



# **MIAMI-DADE HOUSING AGENCY PRIVATE RENTAL HOUSING DIVISION**

## **Section 8 Administrative Plan**

**Draft 3/23/2006**

# MIAMI-DADE HOUSING AGENCY

## SECTION 8 ADMINISTRATIVE PLAN

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**ADMINISTRATIVE PLAN  
SECTION 8 PROGRAMS**

**Chapter 1. Program Administration**

**1.1. Purpose of the Plan**

This Administrative Plan is a supporting document to Miami-Dade Housing Agency's (MDHA) Public Housing Agency (PHA) Plan. It shall be available for public review during regular office hours Monday through Friday at its main administrative offices located at 1401 NW 7 St., and at the Private Rental Housing Section 8 office located at 2153 Coral Way (24 CFR 982.54).

The purpose of this Administrative Plan is to establish written policies in accordance with United States Department of Housing and Urban Development (USHUD) regulations in regards to matters which are not covered under the USHUD regulations, but left to local discretion, for the Housing Choice Voucher program (merger of the Section 8 Certificate and Voucher programs made effective by the Quality Housing and Work Responsibility Act of 1998), and the Moderate Rehabilitation program. The programs are established under Section 8 of the United States Housing Act of 1937. The regulations that govern the programs are documented in 24 Code of Federal Regulations (CFR) Parts 5, 982, and other applicable regulations promulgated by the USHUD.

The goal of the Administrative Plan for the Section 8 Programs is to achieve three major objectives:

1. To provide improved living conditions for very-low income families while maintaining their rent payments at an affordable level;
2. To provide decent, safe, and sanitary housing for eligible program participants; and
3. To provide an incentive to private property owners to rent to lower income families by offering timely assistance payments.

In addition this Plan advocates the following:

1. Protection of the rights of owners and residents in all neighborhoods
2. Protection of low income working families in Section 8 from inflated rents
3. Provision to any resident of Miami-Dade County who wants access to a copy of this Plan and to explain how to file complaints
4. Ensure Section 8 owners meet all financial obligations to local governments
5. Requires owners and tenants to meet requirements of federal housing regulations and this Administrative Plan
6. Places burden of paperwork on the owners
7. Promotes increase of revenue by promoting tenants and owners to pay all utility bills, taxes and fees due



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**1.2 Miami-Dade Housing Agency (MDHA)**

Miami-Dade County, the local government entity responsible for affordable housing programs, administers Section 8 through one of its departments, the Miami-Dade Housing Agency, hereafter referred to as “MDHA”. Although MDHA has responsibility for all day-to-day operations of the Section 8 programs, any policy revisions to this Administrative Plan after its adoption, require approval from the Board of County Commissioners and/or other authorized MDHA officials.

Administration of the Section 8 programs shall comply with applicable Federal, State and local law, the Section 8 regulations, handbooks, and policies promulgated by USHUD, and other federal laws including the Fair Housing Act, as amended, The Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and Section 3 of the Housing and Urban Development Act of 1968, as amended.

**1.3 Jurisdiction of the Agency**

MDHA has jurisdiction throughout all of incorporated and unincorporated Miami-Dade County for the Section 8 Program. Although several housing agencies have been established within municipalities of Miami-Dade County, federal regulations allow the Voucher holder (also known as Section 8 participant) to use the assistance anywhere there is a housing agency or authority implementing the Section 8 program (see Chapter 18 on “Portability”).

MDHA may, at its discretion, privatize components of its Section 8 program, including but not limited to, inspections, tenant operations, rent studies, and payment functions. If required by USHUD, MDHA shall obtain authorization to contract out or privatize such components.

**1.4 Location of Office**

MDHA maintains a main office where Section 8 applicants and program participants are served. Tenants and their records are serviced by team according to their landlord's vendor name.

MDHA may, at its sole discretion, establish/relocate and/or close its offices in order to serve the residents of Miami-Dade County more effectively. Therefore, the office serving a tenant may change and MDHA will so notify the affected tenants. MDHA offices shall be accessible to persons with disabilities.

**1.5 Ann Marie Adker, et al, Consent Decree**

Ann-Marie Adker and other public housing residents filed a lawsuit against USHUD and Miami-Dade County asserting claims of violations of fair housing and civil rights laws. Without admission of liability, the County and USHUD agreed to resolve all outstanding claims the plaintiffs had against them and a Decree was entered on October 29, 1998 by the U.S. District Court, Southern District of Florida. The term of the Decree is ten (10) years.

This Administrative Plan incorporates and implements the provisions of the Decree on Applicant Processing, Tenant Selection, Placement and Waiting Lists Management. Nothing contained herein is intended to change, amend, or replace any provision of the Decree. Wherever conflicts may occur between both documents, the provisions of the Adker Consent Decree (Decree) shall govern.

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**1.6 Translation of Documents and Plan for Language Assistance for Limited English Proficiency (LEP) Persons**

Executive Order 13166, "Improving Access to Services for Person with Limited English Proficiency", published on August 16, 2000, at 65 CFR 50121, requires every federal agency and its funding recipients (MDHA) to provide Limited English Proficiency (LEP) persons with meaningful access to the benefits, services, information, and other important portions of its programs and activities for LEP individuals and therefore comply with Title VI regulations. Language for Limited English Proficiency (LEP) persons can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

MDHA is committed to ensuring the accessibility of its programs and activities to all eligible applicants and program participants including LEP individuals. MDHA staff shall ensure responsible steps are taken to provide high quality customer service and meaningful access to its programs and services to all eligible LEP individuals by implementing the following activities:

1. When adult family members are LEP, staff will inquire of the member to include showing them the *Language Identification Flashcard*, created by the Census Bureau if necessary in order for the family to identify what language they speak. MDHA will identify staff fluent in Spanish, Creole and American Sign Language to assist LEP applicants or tenants. For other languages, an interpreter will be contacted to assist staff in serving the family.
2. The primary language of all applicants and tenants will be identified in computer and tenant files to ensure appropriate resources are identified to provide assistance to LEP families, where applicable, with their MDHA appointments and interviews.
3. When the number of families speaking a non-English language exceeds 5% or 1,000 persons, whichever is less, of the number of persons eligible to be served or likely to be affected or encountered, MDHA translates vital documents into this language. Vital is defined as those documents addressing safety, participant rights, participant obligations and communication regarding the loss of housing (i.e., eviction or program termination). MDHA has identified Spanish and Creole as a non-English language exceeding 5% of the program participants.
4. When the number of families speaking a non-English language exceeds five percent (5%) or 1,000, whichever is less, of the number of persons eligible to be served or likely to be affected or encountered, MDHA will actively recruit staff that speak, read and write this language. MDHA has identified Spanish and Creole as a non-English language exceeding five percent (5%) of the program participants.
5. MDHA will post signs in public places in languages known to be spoken by LEP applicants and participants to inform them help is available in their own language.
6. MDHA will provide training to new and current staff at employee orientation and annually regarding their role in assisting LEP families and to disseminate current information about resources available for LEP families and how to access these resources.
7. The plan shall be updated as required to comply with Executive Order 13166.

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**Chapter 2. Eligibility for Admission and Processing of Applications**

**2.1 Affirmative Marketing**

MDHA will take affirmative steps to further fair housing goals by developing a marketing plan that attracts and ensures inclusion on its waiting list of all persons without regard to race, national origin, color, sex, religion, age, disability, familial status, ancestry or sexual orientation.

The opening of the waiting list will be advertised at a minimum in each of the following newspapers: *The Miami Herald*, the largest paper of daily general circulation; *The Miami Times*, the newspaper with the largest circulation among African-Americans; *Diario Las Americas*, a Spanish publication, and the *Haiti en March*, a Haitian publication. The opening and closing dates of any open waiting list period will be advertised before, and during, the open registration period.

**A. Outreach to Very-Low Income Families.**

Efforts will be taken for special outreach to ensure that all segments of Miami-Dade County's eligible population are informed of all opportunities to apply for program assistance. In order to reach the widest, most needy eligible population, special outreach may take any of the following methods:

- Notice to churches, synagogues, and other places of worship,
- Notice to government offices including Miami-Dade County regional libraries, Team Metro Offices, Miami-Dade County Department of Human Services, Social Security Administration, State of Florida Department of Children and Families or other agencies designed to assist the low income community;
- Notice to agencies that assist the elderly or disabled;
- Public service announcement on radio or television;
- Announcement at public meetings; and
- Any other methods deemed appropriate to increase the scope of outreach for eligible applicants.

MDHA will comply with the Decree regarding MDHA's affirmative marketing plan before implementation.

**B. Marketing and informational materials will:**

- Comply with Fair Housing Act requirements on wording, logo, size of type, etc.;
- Describe the housing units, application process, waiting list and preference structure accurately;
- Use clear and easy to understand terms and distribute in more than English-language print media;
- Contact agencies that serve applicants with disabilities to ensure that accessible/504/ADA-adaptable units are offered to applicants who need their features;
- Make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and
- Be clear about MDHA's responsibility to provide reasonable accommodations to people with disabilities.

**2.2 Waiting List Management**

In accordance with the Decree, two separate waiting lists are maintained: one for project-based programs and a second for tenant-based programs.

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A. Project-based Waiting List

The Project-based Waiting List includes the following programs:

1. Conventional Public Housing, including Assisted Living Facilities;
2. County-owned Section 8 New Construction; and
3. Section 8 Moderate Rehabilitation

B. Tenant-based Waiting List

The Tenant-based Waiting List includes the following programs:

1. The Housing Choice Voucher Program and all targeted population programs, including but not limited to:
2. Family Unification;
3. Welfare to Work;
4. Mainstream Vouchers for Non-Elderly Persons with Disabilities; and
5. Project-Based Voucher Program

C. Position on Waiting List

In the Project-based Waiting List, each applicant will be categorized by the type (elderly or non-elderly, elderly/disabled and/or non-elderly/disabled) and size (number of bedrooms required) of unit. Applicants who qualify for any local preferences that may be established shall be given priority for housing placement over non-preference applicants.

In the Tenant-based Waiting List, applicants are not categorized by the type of unit, except for the Project-based Voucher Program, as applicable.

D. Movement on the Waiting List

Each family moves up the waiting list as families with the lowest ranking order based on the neutral lottery system are certified and issued vouchers.

When an applicant is close to the top of the waiting list, the applicant's information will be verified so that the applicant may be certified eligible to receive benefits.

Applicants determined ineligible will be promptly notified of their ineligibility and the reason for the determination; and shall be provided an opportunity for an informal review if requested within thirty (30) days of the notice.

E. Changes to Family Composition While on Waiting List

Changes to the family composition after an application has been submitted include addition of family members born to, adopted, or otherwise granted custody to the family by operation of law, which may include foster children, live-in aides and spouses, provided the additional family member(s) meet all applicable waiting list requirements and remain eligible for the waiting list for which the family originally applied. All additional family members must meet applicable eligibility and selection criteria.

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MDHA will require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that a head of household has authorization to include a minor in the family composition. Changes to the family composition may also be allowed for families in which one (1) or more children less than eighteen (18) years of age live with the designee of the parent or legal custodian, with the parent or custodian's written consent. Documentation can include but is not limited to court documents, pre-need guardian, school records, other state and federal public assistance documentation, or power of attorney.

All other additions to the family shall be considered only on a case-by-case basis by the Director overseeing MDHA's Applicant and Leasing Center (ALC) or designee and must be documented at the time such changes occur. These additions are restricted to immediate family members (sons, daughters, brothers/sisters, parents, grandparents, and grandchildren) and may be made for humanitarian or extraordinary reasons.

**F. Removal of Applicant Names from the Waiting List**

As required by Chapter 2.14 of this Plan, all applicants are responsible for updating the Agency regarding address changes. If an applicant does not respond to notices of scheduled appointments or to Agency correspondence, even if no correspondence was received by the applicant because of a change in address, the applicant's name will be removed from the waiting list.

While each applicant is responsible for keeping MDHA apprised of changes in address, phone number, income or other circumstances, no applicant shall be removed from the waiting list except when one of the following situations occur:

1. The applicant receives and accepts an offer of housing for project-based assistance or is issued a voucher for tenant-based assistance;
2. The applicant requests that his/her name be removed from the waiting list;
3. The applicant is rejected, either because he/she is ineligible for assisted housing at the time of certification, or because he/she fails to meet the applicant selection criteria;
4. The application is withdrawn because MDHA attempted to contact the applicant and was unable to do so, or the applicant did not respond to notices of appointments or to an offer, or the applicant does not accept an offer, except for good cause, as defined in Chapter 31 for the Moderate Rehabilitation Program.
5. Persons who fail to respond to MDHA's attempts to contact them because the disability of a household member made it difficult or impossible to respond shall be entitled to reinstatement to the waiting list as a reasonable accommodation to the household member with disabilities upon the determination of MDHA in accordance with MDHA's Reasonable Accommodation Policy and Procedure document included under Attachment C of this Plan. Such reinstatement shall be to their former waiting list positions.
6. Families whose applications are withdrawn or rejected may reapply for housing when the waiting list is open.
7. All rejected applicants are entitled to a complete explanation of the reason for their rejection and may request an informal review, at which time they may present reasons why they should be reinstated to the waiting list (See Chapter 29.2-Grievance Policy).

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8. If a mobility pool member is also an applicant on the regular tenant-based waiting list, the first offer of tenant-based assistance to that mobility pool member shall result in his/her removal from the regular tenant-based waiting list and the mobility pool list for purposes of receiving a tenant-based subsidy. In that event, the mobility pool member will be notified in writing of his/her name removal from both lists.
9. An applicant who has accepted a tenant-based subsidy and subsequently receives an offer for project-based assistance during the first year of his/her lease, or an applicant who has accepted project-based assistance and subsequently receives an offer for a tenant-based subsidy during the first year of his or her lease, must comply with the term of his/her lease or arrange a mutually agreed upon termination of the lease with the owner, provided that during the period in which the applicant is fulfilling the term of the existing lease, the applicant shall retain his or her position on the waiting list for the other type of program.

## **2.3 Opening and Closing of the Waiting List**

### **A. Timing**

In compliance with the Decree, the tenant-based (Section 8 Housing Choice Voucher Program, targeted programs and the Project-Based Voucher Program) and project-based (Public Housing and Section 8 Moderate Rehabilitation Programs) lists were re-opened in the year 2001 and an open registration period was held for accepting applications when it was determined that the number of applicants remaining on the waiting list was less than one year's turnover of available assistance. All applicants seeking to apply for any one program were automatically placed on both the tenant-based and project-based waiting lists at the time of application, regardless of whether the applicant intended to apply for each program. The position of the applicants on the tenant-based and project-based lists is determined by a neutral lottery system. One lottery is conducted for the tenant-based list and another lottery is conducted for the project-based list.

The Decree requires that the waiting lists be dissolved approximately every three (3) years. Re-application is necessary during the open registration period in order to be added to the waiting list; the applicant's position on the waiting list shall be determined by a neutral lottery system.

The Decree further permits that MDHA may re-open the Project-based Waiting List within the three (3) year period if there are insufficient applicants for a particular bedroom size. The Project-Based Waiting List thus established will only remain in effect until the next dissolution of both Tenant-based and Project-based Waiting Lists and shall not affect the timing of such dissolution. Applicants who are placed on the Project-based Waiting List because of this provision shall not be placed on the Tenant-based Waiting List and shall be thus informed. Such applicants will also be informed that their placement on the Project-based Waiting List is temporary until such time as the Project-based and Tenant-based Waiting Lists are reopened and will be given an estimate as to when the Project-based Waiting List will be dissolved.

The opening and closing of registration periods will be advertised in the media, as described in Section 2.1 of this Chapter, for the purpose of reaching all segments of the community with appropriate advance notice.

The mobility pool waiting list which consists of eligible class members ordered by move-in date with the earlier date of residence receiving priority shall remain unaffected by the dissolved waiting lists, except as permitted by group moves. Group moves of multiple families may be arranged by the Fair Housing Center and MDHA in promoting desegregative housing.

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**B. Open Registration at Designated Sites**

1. Persons interested in applying for the programs offered by MDHA may do so during open registration periods described herein.
2. Applications can be obtained at locations designated by MDHA which will include several locations throughout Miami-Dade County to enable access to all eligible applicants. The designated locations will be accessible to persons with disabilities.

**C. Submission of Applications by Mail**

1. Applications will be accepted only by mail at a post office box number rented for that specific purpose. Applications will be accepted if they are received at the published Post Office Box and only if they are post marked by the closing date of the registration period. In the event that MDHA decides to accept applications in person at designated locations, the requirement to submit applications by mail can be so modified. Irrespective of how applications are accepted, MDHA will make reasonable accommodations for applicants with disabilities. The waiting list registration period shall remain open for a specified number of days compliant with the Decree. Currently, fourteen (14) consecutive calendar days has been MDHA's practice.
2. All applicants will be notified that their application was received. If an applicant is determined ineligible to be placed on the waiting list, the applicant will be notified by mail.

**2.4 Processing Applications for Admission**

MDHA will accept and process applications in accordance with applicable USHUD regulations. MDHA will assume the information provided by the applicant in the preliminary application is correct, although all information will be verified later in the eligibility process. Applicants must certify the information they give is correct and will be informed of their obligation to verify and document all information before they are accepted into any program.

MDHA's application for Section 8 admission may request and include, but may not be limited to, the following information for each application: the date of receipt; family composition applicant's race and ethnicity; disability and immigration status of each family member, and the unit size(s) being requested.

Applications are nontransferable except under the following conditions:

1. If the head of household passes away, the remaining adult family member listed on the last renewed application will automatically become the head of household applicant, subject to meeting applicable eligibility requirements. In circumstances where there is more than one (1) surviving adult family member, the family shall determine which surviving family member should be head of household. MDHA shall not make the determination nor create more than one (1) application. The family member assuming the application must meet all eligibility requirements, including the "Screening and Eviction for Drug Abuse and other Criminal Activity Policy" regarding criminal/drug history and eligible non-citizen status.
2. If the head of household passes away and the remaining family members are minors, the person granted custody of such children is entitled to the original date of application provided such person meets all eligibility requirements as previously stated.

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As only one application is allowed per family, if a family divides, MDHA will consider the following circumstances in determining which family member shall assume the application:

- The desires of the family;
- The interest of minor children, or of ill, disabled or elderly family members;
- Any instance of actual or threatened physical violence against a family member by another family member;
- Which family members were part of the original application for assistance; or
- If a court determines property disposition between the family members MDHA will abide by the court's determination.

**2.5 Administering the Applicant Waiting List**

Applications for admission will be processed centrally. Initial intake, waiting list management, screening, and assignment of housing (including transfers) will be made from the MDHA's Applicant and Leasing Center (ALC). Offers may be made in person or in writing.

**2.6 Qualifying for Admission**

- A. Except as otherwise stipulated in the Decree, the "applicant" and "participant" requirements referenced in the Administrative Plan are applicable to mobility pool members.
- B. It is MDHA's policy to admit into housing programs only qualified applicants.
- C. An applicant is qualified if he or she meets all of the following criteria:
- Is a family, as defined under item E. below;
  - Has an annual income at the time of admission that does not exceed the income limits at the time of admission (maximum incomes by family size established by USHUD) posted in MDHA offices;
  - Provides documentation of social security numbers for all family members ages six (6) years and older, or certifies that they do not have social security numbers, as described in item g, below;
  - Meets USHUD requirements on citizenship or immigration status as described in item h, below;
  - Meets the Applicant Selection Criteria in Section 2.7 of this Chapter of this Plan, including completing a MDHA-approved pre-occupancy orientation session, if requested; and
  - Meets the eligibility criteria of College or Post-Secondary Full-time Students of Non-Parental/Guardian Households as described under item J. below, if applicable.

D. Verification of Eligibility

MDHA will verify the family's eligibility for Section 8 benefits within the period of sixty (60) days before MDHA issues a voucher to the applicant, or a Statement of Family Responsibility (Moderate Rehabilitation Program).

E. Definition of Family

A family may be a single person or a group of persons who reside together, as further defined under Attachment A, who are related by blood or marriage, or who exhibit a



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stable familial relationship. MDHA will accept documentation showing that adult, unrelated family members have resided together for at least one year as evidence of a stable familial relationship.

**F. Legal Capacity**

The head of household of the family must be eighteen (18) years of age or older at the time of eligibility or have been emancipated by a court of competent jurisdiction, consistent with Florida law. If the applicant is not eighteen (18) years of age at the time of eligibility, MDHA may remove the applicant from the waiting list from which they were called on the basis that the applicant does not have the capacity to contract under state law. The head of household must have the capacity under state and local law to enter into a legally binding lease agreement, in which the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner (24 CFR 982.308).

**G. Mandatory Social Security Numbers**

Families are required to provide verification of social security numbers for all family members age six (6) years and older prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

Persons who have not been issued a social security number must sign a certification that they have never been issued a social security number.

Persons who disclose their social security number, but cannot provide verification must sign a certification and provide verification within sixty (60) days. Elderly persons (as defined in Attachment A) must provide verification within one hundred and twenty (120) days.

Additional requirements are included in Section 2.8, Applicant Responsibilities

**H. Citizenship or Eligible Immigration Status**

In order to receive housing assistance, applicants shall be U.S. citizens or have eligible immigration status. Details of the requirements are described in Chapter 6 of this Administrative Plan.

**I. Continuity of Assistance**

A family is considered continuously assisted if it has been receiving housing assistance under any program of the U.S. Housing Act of 1937 without experiencing an extended interruption during the occupancy of the assisted unit.

An interruption of four (4) months between the assisted occupancy of one unit and the assisted occupancy of another unit under the Section 8 program is considered discontinued assistance.

**J. College or Post-Secondary Full-Time Students of Non-Parental/Guardian Household**

Full-time college head of household students receiving athletic scholarship assistance that provides funds toward housing costs exceeding \$5,000 annually are not eligible for housing assistance.

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MDHA shall verify the eligibility of an applicant family whose Head of Household or Co-Head are college or post-secondary full-time students (as defined in Appendix A of this document), by completing the Student Head of Household or Co-Head Certification form. MDHA must verify all income sources, such as financial contributions from parent(s) or guardian(s), and perform the necessary screening to ensure that the applicant:

- Is of legal age (18 years of age or older) or an emancipated minor under state law.
- Is income eligible for admission to public housing;
- Has established a household separate from his/her parents or guardians for at least one year prior to applying;
- Is not claimed as a dependent by parent(s) or legal guardian(s) on their Internal Revenue Services (IRS) tax return; and
- Provides MDHA with a written certification stating that he/she does, or does not, receive financial contribution from parent(s) or guardian(s) and the amount of support.

**2.7 Denial of Assistance**

MDHA will complete criminal background and sex offender checks on all applicants and other family members for whom criminal records are available, in accordance with the One Strike policy for criminal offenders. MDHA is required to deny assistance to applicants in the following instances:

**A. Eviction or Termination from Federally Assisted Housing**

MDHA shall deny assistance if any household member has been evicted, or is in the process of being evicted, from federally assisted housing, or if a public housing agency (PHA) has ever terminated assistance, as follows:

1. Five (5) years from the date of eviction or termination, if evicted or terminated for drug-related criminal activity;
2. As described in item B below – Violent Criminal Activity, if evicted or terminated for violent criminal activity.
3. Three (3) years from the date of eviction or termination, if evicted or terminated for reasons other than drug-related or violent criminal activity, e.g., non-payment of rent.

**B. Violent Criminal Activity**

Except as stipulated under Section 2.8, Applicants Claiming Mitigating Circumstances. MDHA shall deny assistance for violent criminal activity, (see definition in Attachment A of this Plan), if the applicant or applicant's family member (applicant) participates in One Strike Policy violations, as follows:

1. Ten (10) years from date of arrest for first or second degree murder, arson, kidnapping, or violent sex-related offenses, including but not limited to sexual assault, sexual battery, and child molestation, except as described under D.2. below, under the conditions listed under paragraph 3 below;
2. Five (5) years from date of arrest for manslaughter, sex offenses except as described under B. 1. above and D.2. below, or for non-murder violent criminal activity, under the conditions listed under paragraph 3 below:

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3. Conditions

- a. If an applicant has engaged in One Strike Policy activity with a disposition of the charge as either:
  - Guilty
  - Guilty/convicted
  - Nolo Contendre
  - Convicted
  - Fined
  - Adjudicated
  - Adjudicated withheld
- b. Where the family has no pattern of repeated engagement in criminal activity and the disposition of the One Strike Policy offense is dropped, nolle prosequere, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, the family shall not be denied assistance if otherwise qualified.
- c. Open cases shall be held pending final disposition. Upon a disposition from the court, MDHA shall either recommend denial or take no action based on the outcome as defined above.

In circumstances where the family member admits to the crime, whether or not an arrest, charge, or conviction takes place, the family shall be denied assistance.

C. Drug-related Criminal Activity

Except as stipulated under Section 2.8, Applicants Claiming Mitigating Circumstances, MDHA shall deny assistance for drug-related criminal activity (see definition in Attachment A of this Plan) of a household as follows:

1. If any household member is currently engaging (within a year from date of eligibility) in illegal use or possession for personal use of a controlled substance;
2. Five (5) years from date of arrest if MDHA has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants.
3. All the conditions stipulated in Paragraph B. 3, Conditions, above also apply to applicants who have drug-related criminal activity.

D. Other Criminal and Non-Criminal Activities

MDHA shall deny assistance to the household as specified in each of the following instances:

1. Permanently if any household member has ever been convicted of manufacturing or producing methamphetamine on the premises of any federally assisted housing;
2. Permanently if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program, as registered on the Florida Department of Law Enforcement website ([www.fdle.state.fl.us](http://www.fdle.state.fl.us)). Additionally, MDHA will perform background checks not only in the state that the housing is located, but also in other states where the household members are known to have resided.

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3. Ten (10) years if an applicant committed fraud, bribery, or any other criminal act in connection with any federal housing agency (provided payment in full of any balance due);
4. Three (3) years for a record of two (2) or more incidents of alcohol abuse, if any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants;
5. Three (3) years for a record of two (2) or more incidents of other criminal activities (non-violent) which may threaten the health, safety or right to peaceful enjoyment of the premises by other tenants. The conditions stipulated under Paragraph B. 3, Conditions, above also apply to applicants who have non-violent criminal activities as described herein.

**E. Monies Owed**

1. If the applicant or any member of the applicant family currently owes rent or other amounts to MDHA or any other housing authority in connection with Section 8 or public housing assistance under the 1937 Act, any applicant, including mobility pool members, who previously lived in public housing or an assisted unit and vacated leaving an unpaid balance, will not be offered assistance until the outstanding balance is paid in full or has entered into a repayment agreement and is current in payments, unless the debt has been expunged by operation of law. The debt will be considered expunged by operation of law if the time period has exceeded five years and MDHA has not attempted to collect the debt within the five-year period or by bankruptcy, where permitted.
2. If the applicant or any member of the applicant family has not reimbursed any housing authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
3. If the applicant or any member of the applicant family breaches an agreement with any housing authority to pay amounts owed to the housing authority, or amounts paid to an owner by the housing authority.

**F. Family Self-Sufficiency (FSS) Non-Compliance**

If the applicant or any member of the applicant family is participating in the Family Self-Sufficiency (FSS) program fails to comply, without good cause, with the family's FSS contract of participation.

**G. Abusive Behavior**

If the applicant or any member of the applicant family has engaged in or threatened abusive or violent behavior toward MDHA personnel within five years of eligibility determination.

**H. Welfare to Work Non-Compliance**

If a Welfare-to-Work family failed to fulfill its obligation under the Welfare-to-Work voucher program.

MDHA may deny assistance for drug or criminal activity based on the preponderance of evidence, regardless of whether there is an arrest or conviction. Notwithstanding paragraphs D.

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(4) and this paragraph, MDHA will not immediately deny assistance if it is determined that the substance abuse is related to a disability as determined by MDHA.

If the family includes a person with disabilities, MDHA's decision to deny assistance is subject to consideration of reasonable accommodation as determined by MDHA's in accordance with Attachment C, Reasonable Accommodation Policy and Procedures.

Before MDHA rejects an applicant on the basis of criminal history, MDHA must notify the household of the proposed rejection and provide the household member with a copy of the criminal record upon request either before or at the informal review, and an opportunity to dispute the accuracy and relevance of that record. Criminal background records for minors available to MDHA by operation of law will be released to the head of household/parent/guardian of the minor upon request.

MDHA may deny program assistance to an applicant in any of the following ways:

- Denying listing on the waiting list;
- Denying or withdrawing a voucher resulting in the removal of the applicant from the waiting list;
- Refusing to enter into a HAP contract;
- Refusing to approve a request for tenancy in Section 8; or
- Refusing to process or provide assistance under portability procedures.

Generally, MDHA will not screen applicants for suitability for tenancy and family's behavior, except as stipulated in this Plan. Owners are responsible for screening and selection of the family to occupy the owner's unit.

## **2.8 Applicants Claiming Mitigating Circumstances**

If negative information is received about an applicant, MDHA shall consider the time, nature, and extent of the applicant's conduct and factors that might indicate a reasonable probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable.

Mitigating circumstances are facts relating to the applicant's criminal history, that, when verified, indicate: (1) the reason for the unsuitable criminal history or behavior; and (2) that the reason for the unsuitable criminal history or behavior is no longer in effect or is under control, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.

If the applicant asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, MDHA shall evaluate the evidence and verify the mitigating circumstance. MDHA shall also have the right to request further information to verify the mitigating circumstance. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation (see MDHA's Reasonable Accommodation Policy and Procedures document under Attachment C of this Plan), which will be used by MDHA as the source document to process reasonable accommodation requests for persons with disabilities.

In its decision to deny assistance, MDHA may consider the seriousness of the case, and the effect of denial of assistance on other family members who were not involved in the action or failure to act. MDHA, if it admits such a family to the program, may impose as a condition of assistance, the requirement that family members who participated in or were culpable for the action or failure to act will not reside in the assisted unit, upon approval of the MDHA Director and/or hearing officer.

Applicants with an arrest record for drug-related or criminal activities, but who have not been adjudicated by a court of law at the time of eligibility determination, will be denied admission as

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indicated in Section 2.9 of this Chapter. However, the household may be reinstated to the waiting list in mitigating circumstances and upon approval of the Division Director overseeing the Applicant and Leasing Center or designee.

The factors below will be taken into consideration, as well as any pattern of repeated engagement in criminal activity. Providing documentation of mitigating circumstances as described below is the responsibility of the family. It is incumbent upon the family to provide documentation, evidence and any and all other third party proof at any time including but not limited to the investigation interviews, appointments with MDHA staff, at the time of the informal review or within the time limit set by the hearing officer to provide substantiating information challenging the recommendation to deny assistance.

1. Request to Remove Family Member with One-Strike Policy Violation

If an applicant family notifies MDHA and advises of any criminal activity that is in violation of the One Strike Policy of a family member or if MDHA determines a violation of the One Strike Policy or other criminal activity as described within this administrative plan, through the Criminal Justice Information System or any other source, including but not limited to referrals from law enforcement agencies, the U.S. or State Attorney's Offices, USHUD, then the applicant may request removal of the offending family member permanently from the family composition and the family member may not remain on the application nor reside in the Section 8 unit in order for the family to be assisted in the program. If the offending family member(s) is not removed, then the entire family shall be recommended for denial of assistance from the Program.

In circumstances where the offending family member is the head of household, the entire family shall be recommended for denial of assistance from the Program.

2. Non-Violent Charges Involving Firearms

Charges limited to the specific crime of illegal possession or unlawful display of firearm shall not constitute a violation of the One Strike Policy.

3. Prior Criminal History

In cases of multiple prior charges of one or more family members where the disposition of the cases was dropped, nolle prosequere, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, MDHA may take both the family and individual family member's history and /or outcome into consideration at arriving at a final determination whether to deny assistance.

4. Violation of Peaceful Enjoyment

Prior to MDHA's decision to recommend denial of assistance for criminal activity that threatens the health, safety or right of peaceful enjoyment of the premises by other residents, MDHA may consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the extent of participation by the head of household or household member(s) in the offending activity and the extent to which the head of household or household member(s) has shown personal responsibility to prevent or mitigate the offending action.

Upon determination by the hearing officer and/or MDHA Director, MDHA may require an applicant to exclude a household member in order to receive housing assistance, where that household member has participated in or been culpable for the action or failure to act that warrants denial of assistance.

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**5. Substance Abuse Rehabilitation**

Upon determination by the hearing officer and/or MDHA Director, in its decision whether to recommend denial of assistance for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, may consider whether such household member was remanded by the court and is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, MDHA shall require the applicant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

**6. Domestic Violence**

Provided the applicant has no pattern of repeated engagement in criminal activity, in circumstances of domestic violence, where an individual can provide evidence that they have been a victim of domestic violence, through documented police incident reports and/or filed Injunction for Protection (IFP), these may be considered as mitigating factors on their behalf by the hearing officer and/or MDHA Director. Such documents must be provided by the applicant at the informal review or upon request by the hearing officer subsequent to the hearing for consideration of continued assistance. In addition, if mandated by the court, the individual must show successful completion of any court-mandated diversion program and bring proof of same.

Other examples of mitigating circumstances may include:

1. Circumstances leading to the eviction or criminal activity no longer exist;
2. Evidence of the applicant family's participation in social service or other appropriate counseling service; or
3. Evidence of successful and sustained modification of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. MDHA will consider such circumstances in light of:

1. The applicant's ability to provide documentation to verify the mitigating circumstances and prospects for improved future behavior;
2. The applicant's overall performance with respect to all the screening requirements; and
3. The nature and seriousness of the criminal activity, especially drug related and criminal activity that appears in the applicant's record.

**2.9 Qualified and Unqualified Applicants**

Verified information will be analyzed and a determination made with respect to:

- Eligibility of the applicant as a family,
- Eligibility of the applicant with respect to income limits for admission;
- Eligibility of the applicant with respect to citizenship or eligible immigration status;
- Unit size required for and selected by the family; and
- Qualification of the applicant with respect to the selection criteria

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Qualified families will be notified by MDHA of the approximate date of admission insofar as that date can be determined; however the date stated by MDHA is an estimate and does not guarantee that applicants can expect to be housed by that date.

Applicants who do not respond within thirty (30) days to a notice of ineligibility to receive program benefits, or a notice to come in for processing, or do not cooperate with MDHA in providing all required information, will be notified in writing that his/her name will be removed from the Tenant-based or Project-based Waiting List, as applicable, unless he/she requests an informal review by contacting MDHA in writing within thirty (30) days of the notice. If an applicant does not respond because of the family member's disability, MDHA will review and recommend whether to reinstate the applicant to the family's former position on the waiting list in accordance with MDHA'S Reasonable Accommodation Policy and Procedure document included under Attachment C of this Plan.

The applicant shall be provided an opportunity for an informal review if requested within thirty (30) days of the notice. Pursuant to the Decree, an applicant or mobility pool member may within one (1) year of being removed from the waiting list for not responding to notices calling him/her in for processing, request an administrative hearing seeking reinstatement to his/her original place on the waiting list.

Eligible applicants, who are known to have a disability, but fail to meet the Applicant Selection Criteria in this Chapter, will be offered an opportunity to submit documentation in support of their claims that mitigating circumstances related to disabilities or reasonable accommodations would make it possible for them to be housed in accordance with the screening procedures. MDHA will review such claims in accordance with MDHA'S Reasonable Accommodation Policy and Procedure document (Attachment C of this Plan).

## **2.10 Preferences**

The Quality Housing and Work Responsibility Act of 1998 no longer requires MDHA to consider federal preferences in its selection and admission process. Local preferences to the extent authorized by law may, however, be established following public hearings. Should such local preferences become established, this Administrative Plan shall be revised accordingly. Local preferences shall be supported by third-party verifications deemed appropriate by the Agency.

MDHA will not rank local preferences, or give greater weight to having more than one local preference.

In accordance with federal regulation, MDHA cannot provide local preference to an applicant if any member of the family is a person who was evicted within five years of eligibility determination from housing assisted under a 1937 Housing Act program due to drug-related criminal activity.

## **2.11 The Applicant Selection System**

The factors that may affect applicant selection are described below:

### **A. Tenant Based Programs**

As mandated by the Decree, subject to the availability of funding, MDHA shall issue fifty percent (50%) of all turnover of unrestricted tenant-based benefits to mobility pool members during the ten-year (10) term of the Decree which will expire in August 2009. The remaining fifty percent (50%) shall be issued to applicants on the regular tenant-based waiting list. Thereafter, the number of applicants selected will be based on the availability of assistance. The USHUD funding levels are generally not sufficient to fund all allocated vouchers. A family at the top of any of the tenant-based program waiting lists may not be



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skipped over for a smaller family but will be admitted when sufficient funds are available to subsidize the unit selected by the family within the allowable occupancy limits.

**B. Income Targeting**

MDHA will comply with USHUD income targeting requirements indicated below or as may be amended by USHUD.

At least seventy-five (75%) of families initially provided tenant-based assistance in any fiscal year shall be families whose incomes do not exceed thirty percent (30%) of the area median income as established by USHUD. This income targeting requirement does not apply to:

1. Low-income families continuously assisted (as defined in Chapter 2.6 1 of this section)
2. Low-income or moderate-income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out
3. The Section 8 Moderate Rehabilitation Program

**2.12 Interviews and Verification Process**

A As applicants approach the top of the waiting list, they will be contacted by mail and scheduled for an eligibility interview to complete the applicant file. Applicants who fail to attend the scheduled interview, or who cannot be contacted to schedule an interview, will have their applications withdrawn, except under reasonable accommodations provisions for persons with disabilities as described in MDHA's Reasonable Accommodation Policy and Procedures document under Attachment C.

B The following items will be verified to determine qualification for admission to MDHA:

- Family composition and type, where applicable (Elderly/Disabled/near elderly /non-elderly);
- Annual Income;
- Assets and Asset Income;
- Deductions from Income;
- Preferences (if applicable);
- Social security numbers of all family members;
- Applicant Screening Information;
- Citizenship or eligible immigration status; and
- College or Post Secondary Full-Time Students of Non-Parental/Guardian Households and students receiving athletic scholarship including funds toward housing costs over \$5,000 annually

Verification of eligible immigration status shall be carried out pursuant to 24 CFR Part 5.5.

C Applicants reporting zero income will be asked to complete a family expense form to document how much they spend on: food, transportation, health care, child care, debts, household items, etc. and what the source of income is for these expenses.

**2.13 Screening Applicants for Admission**

A. All applicants shall be screened in accordance with USHUD's regulations for criminal activity and other program requirements as summarized below:

- for violent criminal activity, including sex offender screening;

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- for any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants or persons residing in the immediate vicinity of the premises
  - other criminal activity which may threaten the health or safety of staff;
  - for drug-related criminal activity; and
  - to comply with necessary program requirements of USHUD and MDHA.
- B. Criminal and sex offender background check requirements as described in Section 2 of this Chapter will be conducted within five (5) days from the initial eligibility appointment, as referenced in Section 2.12 A of this Chapter. Applicants must sign the *Consent Form Authorizing Miami-Dade Housing To Obtain Criminal Background Records* prior to conducting any criminal and sex offender background checks. The eligibility appointment letter mailed to the applicant includes a list of all the documents required by MDHA at the interview and the Section 8 Applicant/Participant Information Worksheet.
- C. Eligibility Interview
1. Eligibility interviews are conducted in the eligibility interviewer's office. Upon request, reasonable accommodations will be provided for persons with disabilities who may require special services.
  2. Original documents such as birth certificates, social security cards, pay stubs, and receipts will be reviewed, photocopied and included in the applicant's file.
  3. During the applicant's formal interview, the eligibility interviewer will compare new information received with past information stated on the application and query the applicant regarding any discrepancies and/or require additional documentation.
  4. Any additional information or documentation specifically requested of the applicant at the eligibility interview must be provided within one (1) week of the interview date unless an extension is granted.
  5. The applicant family must complete all applicable information spaces on the *Section 8 Applicant/Participant Information Worksheet* (Information Worksheet) form. Misrepresentation of income, family composition or any other information affecting eligibility and selection criteria will result in the family being declared ineligible. In the event the misrepresentation, which may constitute fraud, is discovered after admission, the family may be subsequently recommended for termination, even if the family meets current eligibility requirements at the time.
  6. After MDHA has reviewed all information with the applicant, all adult family members (see definition in Attachment A of this Plan) at the time of the eligibility interview are required to sign the Information Worksheet form and other necessary forms such as *Consent Form Authorizing Miami-Dade Housing To Obtain Criminal Background Records* prior to conducting criminal and sex offender background checks.
- D. Section 8 Applicant/Participant Information Worksheet (Information Worksheet)

The Information Worksheet form is a personal statement of information required to evaluate the eligibility for selection of the applicant. Information required on the form relate to the following:

- Household composition
- Local preferences (if applicable)
- Emergency contacts
- Family income

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- Family assets

**E. Verifications**

1. For applicants, written verification from third parties are the most desirable forms of verification of the information provided on the Information Worksheet form.
2. Verification via telephone will be used when written verification is not available. Documentation shall be placed in the applicant or resident file and on computer system notes and shall indicate who provided the information and when, as well as the MDHA staff person who obtained the information. This temporary oral verification shall be supported with the appropriate written documentation within fourteen (14) days of receiving the oral verification.
3. When no other form of verification is available, an applicant or tenant's affidavit, or self-declaration, may be accepted.
4. All applicants or residents shall allow MDHA to conduct a home visit inspection of their current living arrangements, and to perform criminal and sex offender background checks on applicants and family members. Failure to comply shall result in denial of program assistance and removal from the waiting list, withdrawal of voucher or offer, refusal to execute a contract, or termination of assistance.
5. Prior to initial certification, applicants will be informed that MDHA will subsequently verify the family's income information to USHUD's Enterprise Verification Income System (EIV) system. EIV is a computer-matching program that compares the income provided by the tenant against information supplied by state agencies on wages, unemployment benefits and Social Security benefits.

For participants, every effort as is practical will be made to obtain third party verifications when the EIV is not available or when there is discrepancy between the EIV and the information provided. Refer to Chapter 7.5 for additional information on EIV requirements for participant families.

6. Payment of funds owed to MDHA or any other housing authority is part of the screening evaluation. MDHA will reject an applicant for unpaid balances owed to MDHA by the applicant for any program that MDHA operates, or for money paid to an owner by MDHA, until the unpaid balance is paid in full, or a repayment agreement for funds owed to MDHA is executed. Any applicant, including mobility pool members, who currently live or previously lived in public housing or an assisted unit, and vacated leaving an unpaid balance, will not be offered assistance until the outstanding balance is either paid in full or a repayment agreement effectuated and current, unless the debt has been expunged by operation of law as described under Chapter 2.7 E.1.
7. An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition, income, or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.

**2.14 Applicant Responsibilities**

**A. Social Security Numbers**

Applicants are required to provide Social Security numbers for all family members age six years or older. If no Social Security number has been issued for a family member, the applicant (or the parent or legal guardian of children under eighteen (18) years of age),

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must execute a certification that a Social Security number has not been assigned. If a family member is subsequently issued a Social Security number by the Social Security Administration, the number must be reported by the applicant/program participant at the next scheduled re-certification.

Social security numbers will be verified through the provision of a valid social security card or one of the following documents if it includes the Social Security number which has been verified by the issuing agency:

Driver's license	Federal, State or Local Agency I.D.
Employer or Trade Union I.D.	Medical Insurance Company I.D.
Earnings statement of payroll stub	Bank Statements
IRS Form 1099	Governmental benefit award letters
Retirement benefit letter	Life insurance policies
Court records	Verification of Social Security Benefits

MDHA may determine other documents as adequate evidence of a valid Social Security number.

**B. Documentation of Citizenship or Eligible Non-Citizenship Status**

Applicants must provide evidence of citizenship or eligible non-citizen status pursuant to 24 CFR Part 5.5 and any subsequent statutory and regulatory changes and updates. MDHA shall verify the status of all applicants, and all subsequent requests for secondary verification, prior to certifying such applicants for assistance in the Section 8 Program. (Refer to Chapter 6 of this Plan for further details on policies regarding the eligible non-citizen rule.)

**C. Annual Updates and Address Changes**

The applicant is responsible for updating all address and family composition changes upon occurrence. If the applicant does not respond to a scheduled appointment or to MDHA correspondence, even if the correspondence was not received because of a change of address, the applicant's name will be removed from the waiting list. If removed from the waiting list, applicants will have the right to request an informal review in accordance with this Plan.

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**Chapter 3. Non-Waiting List Issuance and Special Programs**

When USHUD awards program funding to the Agency that is targeted for families that live in specified units or for a special or targeted Section 8 program, the Agency may admit a family that is not on the waiting list, or without considering the family's waiting list position upon approval of MDHA Director or designee. The Agency shall maintain records showing that the family was admitted with USHUD-targeted assistance. The Agency may thus issue vouchers to persons not on the waiting list in the following instances.

**3.1 Displacement Due to Governmental Action**

Families displaced (see definition of a displaced person in Attachment A of this Plan) because of governmental action must be referred and verified by the Relocation Office, Miami-Dade County Office of Community and Economic Development. The referral for Section 8 assistance must be made within six months of the displacement in order for such families to qualify for Section 8 assistance. MDHA shall, at its discretion, determine the availability of vouchers for displaced persons. Written referrals may also be accepted from USHUD, appropriate federal, state and local law enforcement agencies, by the State Attorney's Office, or by the courts, including requests for assistance for eligible clients under witness protection.

**3.2 Relocation**

Provision of Section 8 assistance may be provided to a family being relocated if allowed under to the Uniform Relocation Assistance and Real Property Acquisition Regulations for federal and federally assisted programs.

**3.3 Settlement of Lawsuits**

MDHA shall comply with any mandates or directives by a court of the United States or USHUD in relation to the issuing of vouchers to persons not on the waiting list as in the instance of the Decree.

**3.4 Preservation Section 8 Housing**

Families that reside in a property covered by project-based Section 8 assistance in which the owner opts out or pre-pays the USHUD insured mortgage or is at or near the end of the housing assistance payment contract may be eligible for Preservation Section 8 assistance. MDHA shall certify families eligible for Preservation Section 8 housing pursuant to executed Annual Contribution Contracts (ACC's) by USHUD for mandated or targeted projects.

**3.5 Veterans Assisted Supportive Housing (VASH)**

To be eligible for VASH, applicants must fulfill all the following criteria:

1. Be a United States Veteran
2. Be homeless, and
3. Have a severe psychiatric or substance abuse disorder.

The U.S. Department of Veterans Affairs (VA) conducts all interviews, initial applications, and monitoring of the program. The VA notifies MDHA in writing of eligible applicants. These eligible applicants are scheduled for an appointment for possible certification under the Section 8 Housing Voucher program. All Section 8 Housing Voucher program regulations apply to these

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eligible applicants. It is the responsibility of the VA office to notify all ineligible applicants. The number of VASH Section 8 participants shall be restricted to the number of VASH vouchers under contract to the Agency by USHUD.

**3.6 Family Unification Program (FUP)**

The Family Unification Program offers tenant-based housing assistance in coordination with the State of Florida Department of Children and Family Services or other authorized child protective agency. Referrals will be families for whom the lack of adequate housing is a primary factor which would result in:

1. The imminent placement of the family's child(ren) in out-of-home care; or,
2. The delay of the child(ren)'s return to the family from out-of-home care. "Lack of adequate housing" is defined by the federal regulation as:
  - Substandard or dilapidated housing;
  - Homelessness;
  - Displacement by domestic violence, or
  - Living in an overcrowded unit.

The program will allow families to avoid foster care placement and be unified in stable housing. Applicants for the Family Unification Program shall be referred and certified in coordination with the State of Florida Department of Children and Family Services.

MDHA's responsibilities under the FUP include the acceptance of families whose eligibility is certified in writing by the State of Florida Department of Children and Families. MDHA, upon receipt of the original caseload list, not copies or faxes, of families from the Department of Children and Families accompanied by original FUP applications, shall compare the names with those of families already on MDHA's Section 8 waiting list. Any families on MDHA's Section 8 wait list that are also included in the Department of Children and Families' list shall be assisted in order of their position on the waiting list in accordance with MDHA admission policies. Any family certified by the Department of Children and Families as eligible but not on the Section 8 waiting list shall be placed on the MDHA waiting list. If MDHA has a closed waiting list, the waiting list shall be opened to accept FUP applicants. If the referred family is already housed in Public Housing, the Residents in Transition Policy must be followed to deter duplicate housing.

MDHA shall initially advertise the opening of the waiting list for the sole purpose of accepting FUP eligible families only. The advertisement will not be repeated when additional funding is received.

Pursuant to the National Affordable Housing Act, children in temporary foster care shall be counted as part of a family unit for the purposes of determining a family's eligibility for housing assistance. The temporary placement period for children shall be defined as at least six (6) months; however, this time frame shall be determined and changed at MDHA's discretion based on local needs and conditions.

Once a family is housed using a Section 8 voucher under the Family Unification Program, MDHA shall not cancel the voucher if the family splits so long as the family is otherwise in compliance with Section 8 program rules and regulations.

**3.7 Welfare-to-Work Program**

The Welfare-to-Work (WTW) program is a specialized voucher program targeted to families moving from receiving Temporary Assistance for Needy Families (TANF) to a job or training program. MDHA shall screen all applicants on the existing waiting list for eligibility for WTW by

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providing an automated listing of applicants by social security number to the South Florida Workforce or other TANF agency. The South Florida Workforce or other TANF agency shall determine eligibility under their criteria and advise MDHA of such eligibility.

If an insufficient number of families are on the existing waiting list, the waiting list shall be opened to accept WTW applicants. A family certified by the South Florida Workforce as eligible shall be placed on the MDHA waiting list for a WTW voucher. As WTW vouchers become available through turnover or through additional allocation, WTW applicants from the waiting list shall be offered a voucher based on date of application.

MDHA shall advise WTW participants of the local obligation of the South Florida Workforce requirements and the consequences of not complying.

**3.8 Other Specialized Allocations**

Other tenant-based Section 8 allocations that are for special programs in addition to Family Unification Program and Welfare-to-Work Program including but limited to Mainstream Vouchers for Disabled Families and Designated Housing shall be administered in accordance to criteria stipulated in the Notification for Funding Availability (NOFA) and voucher application.

**3.9 Change of Program Issuance**

MDHA may, at its sole discretion, for humanitarian reasons, including reasonable accommodation for a family member with disabilities, issue a Section 8 Housing Choice voucher to a family participating in another Section 8 program such as the Moderate Rehabilitation program. MDHA will confirm that the tenant is in compliance with all assisted housing tenant and lease obligations prior to voucher issuance. Such issuance requires the approval of the MDHA Director or Deputy Director. Such issuances are for continuing assistance to a family with the goal of the family eventually becoming self-sufficient and no longer requiring housing assistance. MDHA shall consider any request individually on a case-by-case basis. Eligible residents must comply with MDHA's Residents in Transition Policies and Procedures.

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**Chapter 4. Issuing Housing Vouchers**

**4.1 Issuing and Briefing**

Upon selection to participate in the Housing Choice Voucher Program, the family will be scheduled for an appointment with MDHA staff. No applicant from the waiting list shall be certified without a file containing a hard (paper) copy of the original application.

At the appointment, the family must verify the information on their application, receive a briefing (oral and written) about the program, their rights, and obligations, and provide documentation as required by federal regulation. Should the family comply with the above-referenced items, they shall be issued a voucher. Voucher holders may be briefed in groups by Agency staff or Housing Center staff (pursuant to Decree). The briefing shall include the following topics:

1. How the program works;
2. Family and Owner responsibilities;
3. Where the family may lease a unit, including outside the Agency's jurisdiction;
4. Portability procedures, if applicable; and
5. Advantages of moving to a neighborhood that does not have a high concentration of low-income residents

MDHA shall not issue tenant-based assistance to a mobility pool member until the mobility pool member has participated in group counseling administered by the Fair Housing Center as required by the Decree. However, if funding is depleted so that the Fair Housing Center can no longer provide counseling, failure to complete the group counseling shall not preclude the mobility pool member from receiving the tenant-based assistance.

The family will receive a packet of information at their briefing or initial certification appointment that will include at least the following:

1. The term of the voucher and the policy on extensions or suspensions of the term,
2. How the Housing Assistance Payment (HAP) is determined including the payment standard for a unit and total tenant payment,
3. How the Agency determines the maximum rent for an assisted unit,
4. The maximum amount the family may pay when moving to a new unit (40% rule of adjusted monthly income, if applicable),
5. What the family should consider in leasing a unit including the condition of the unit, the reasonableness of the rent, the cost of tenant paid utilities, whether the unit is energy efficient, and the location of the unit,
6. Where a family may lease a unit, including portability to another jurisdiction,
7. USHUD-required lease addendum,
8. The Request for Tenancy Approval form (HUD-52517) and an explanation of how to request the Agency's approval to lease a unit,
9. A statement of the MDHA's policy on providing information about a family to prospective owners,



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10. MDHA subsidy standards, including when exceptions may be granted,
11. USHUD brochure on how to select a unit,
12. Information on federal, state and local equal opportunity laws, and a copy of the housing discrimination complaint form,
13. A list of landlords or others known to MDHA, who may be willing to lease a unit to the family or assist the family in locating a unit,
14. If the family includes a person with disabilities, or if the family informs MDHA that one of its members is a person with disabilities, MDHA will provide a current listing of available accessible units known to MDHA, and if necessary, otherwise assist the family in locating an available accessible dwelling unit.
15. Family obligations under the program, including the requirement that family members be U.S. citizens or eligible non-citizens,
16. The grounds on which MDHA may terminate assistance because of family action or failure to act,
17. MDHA's informal hearing procedures, including when MDHA is required to give the opportunity for a hearing and how to request a hearing.

MDHA may include other items as determined necessary and will use available MDHA or USHUD forms.

**4.2 Type of Assistance**

MDHA shall determine whether the family shall be issued a Housing Choice Voucher based on availability of the tenant-based assistance.

**4.3 Term of Voucher**

The Housing Choice Voucher is valid for a period of sixty (60) days from the date of issuance. Prior to the expiration date, the family may contact MDHA to request assistance in locating suitable housing. The family must submit a completed Request for Tenancy Approval package within the sixty (60) day period unless an extension has been granted by MDHA.

**4.4 Extensions of Term**

A family may request a thirty (30) day extension(s) to the initial sixty (60) day term of an issued Voucher. All requests for extensions should be received at least one week prior to the expiration date of the Voucher and must be made to a Section 8 supervisor (a Tenant Selection Supervisor I, II, or III) in the Section 8 Housing Operations. Requests may be made in person or by telephone. If an extension is granted by telephone, a copy of the Voucher will be mailed to the voucher holder indicating the extended expiration date. Extensions are permissible at the discretion of MDHA primarily for four reasons:

1. Extenuating circumstances such as hospitalization of a family member or a family emergency over an extended period of time that has affected the family's ability to find a unit within the initial sixty (60) day term.

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2. The family provides evidence that they have made consistent efforts to locate a unit and have requested support services assistance from MDHA during the initial sixty (60) day term regarding their inability to locate a unit.
3. The family has turned in a Request for Tenancy Approval prior to the expiration of the sixty (60) day term, but the unit has not passed Housing Quality Standards inspection.
4. As a reasonable accommodation for a family member with disabilities or for a family member with disabilities to find an accessible unit.

Section 8 Housing Operations supervisors may extend the Voucher for a maximum term of one hundred and twenty (120) days. Pursuant to the Decree, mobility pool members who volunteer to participate in the second phase of mobility counseling as verified by the Fair Housing Center shall automatically be allowed up to one hundred and twenty (120) days from the date a voucher is issued to submit a Request for Tenancy Approval, if a request for extension is submitted by the mobility pool member prior to each voucher expiration date, i.e. before the initial sixty (60) day expiration and before each thirty (30) day expiration, as applicable.

Pursuant to the Quality Housing and Work Responsibility Act of 1998, MDHA may extend the term of the issued Housing Choice Voucher beyond one hundred and twenty (120) days for other good cause as determined by MDHA. Such good cause may include cause as defined in Paragraph 4.4 (1)(4). Approval of extension beyond one hundred and twenty (120) days shall be the sole discretion of the Director or Assistant Director for Private Rental Housing or his/her designee. Approval may not be granted for more than a thirty (30) day term extension at a time beyond the one hundred and twenty (120) day term and shall be made on an individualized basis.

Written notice of extensions must be given to the family. Hearings or informal reviews are not allowed and shall not be given for denial of extensions.

#### **4.5 Suspensions**

MDHA has the discretion to grant a suspension of term pending approval of the completed Request for Tenancy documents. Such suspension of term may only be given by the Director or Assistant Director for Private Rental Housing, or his/her designee, and will only be considered under the following conditions:

1. If the delay is due to MDHA administrative reasons and not due to the applicant's delay;
2. The applicant has shown due diligence in locating an appropriate unit during the voucher term; and
3. Denial of the suspension of term would constitute an undue hardship on the family.

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**Chapter 5.      Occupancy Policies**

**5.1      Subsidy Standards**

A.      Determination of Voucher Size

The subsidy standard, (refer to Chapter 8 for more details regarding the “payment standard”), which is used to determine the voucher bedroom size assigned to a family, is based on the following criteria:

<u>Voucher</u>	<u>Number of Persons in Household</u>		
<u>B/R Size</u>	<u>Minimum</u>	<u>Maximum</u>	<u>HQS</u>
0 BR	1	1	1
1 BR	1	2	4
2 BR	2	4	6
3 BR	3	6	8
4 BR	6	8	10
5 BR	8	10	12
6 BR	10	12	14

At the initial certification, annual recertification or during authorization for a change of dwelling, MDHA shall, to the greatest extent possible, and within the subsidy standards, allow the family the flexibility of bedroom size to best accommodate family members based on age and gender, subject to funding availability. For subsidy standards, an adult is a person eighteen (18) years or older.

Two (2) persons per bedroom will be the standard for the smallest unit a family may consider.

The following principles govern the size of the unit for which a family will qualify. Generally, two (2) people are expected to share each bedroom, except that the subsidy standards will be applied so that:

1. Exceptions to the largest subsidy standards may be made in case of reasonable accommodations for a person with disabilities.
2. Two (2) persons of the opposite sex will not be required to share a bedroom, although they may do so upon written request from the family.
3. A family that consists of a pregnant woman with a new born child shall be allocated a two (2) bedroom unit.
4. MDHA will count a child in the subsidy standard who is temporarily away from the home because the child has been placed in foster care, kinship care, or is away at school.
5. A live-in aide may be assigned a bedroom. Single elderly and disabled tenants with live-in aides in their family compositions will have the live-in aide considered in the subsidy standards.
6. Due to current market conditions, MDHA will issue a one-bedroom voucher to a single person. This policy may change at the discretion of MDHA.

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**B. Actual Unit Size Selected**

The family may select their choice in unit size other than that listed on the assigned voucher so long as the family is not under-housed. Four factors to consider are:

1. MDHA shall apply the payment standard for the smaller of: 1) the bedroom size shown on the voucher, or 2) the size of the actual unit selected by the family;
2. The utility allowance used to calculate the gross rent shall be based on the actual size unit selected by the family regardless of the size authorized on the voucher; and
3. Under Housing Quality Standards (HQS) two persons per living/sleeping room are allowed thus the above levels may be exceeded if a living room is used as a living/sleeping area as indicated under the HQS column, 5.1 a.
4. Selection of a unit larger than for which the family is certified may result in an affordability issue.

**5.2 Changes in Family Composition**

The voucher size issued to a family is determined by comparing the family composition to the MDHA subsidy standard before the briefing with the family. The family may request a change in the voucher size due to the addition to family composition by birth, adoption, or otherwise granted custody to the family by operation of law, which may include foster children. Except for natural births to, or adoptions by, family members, or court awarded custody or other operation of law, any family seeking to add a new member must request approval in writing and receive MDHA's approval in writing before the new member is added to the family composition as described below.

All other additions to applicant families after an application is submitted shall be considered only on a case-by case basis by the Director overseeing MDHA's Applicant and Leasing Center or his/her designee and must be documented at the times such changes occur. Additions may be made for humanitarian reasons, including reasonable accommodation for family member.

**A. Addition of Adult Family Member**

Upon approval of the MDHA Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee, a participant family may add an additional adult family member to the family composition, other than by operation of law, under all the following circumstances:

1. The adult must be an immediate family member (sons, daughters, brothers, sisters, parents, grandparents, and grandchildren) of an existing household member, and show proof of relationship,
2. Such member must be eligible for participation in the Section 8 program;
3. Such member's income must be considered in calculation towards rent; and
4. Addition of the family member shall be in consideration of a reasonable accommodation or for humanitarian reasons.

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Participant families must inform MDHA in writing of the requested additional adult family member prior to the adult family member being added to the family composition.

Requested additions to the family requiring advance approval in writing also include spouses or a request to add a live-in aide.

Participant families must inform MDHA within 30 days of additions to the family due to birth, adoption, or otherwise granted custody to the family by operation of law or if a family member moves out.

Only those persons listed on the most recent certification form and lease shall be permitted to be included in the family composition.

All other additions to participant families shall be considered only on a case-by case basis by the Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee and must be documented at the times such changes occur. Additions may be made for a reasonable accommodation or for humanitarian reasons.

The addition of a family member shall not change the size of the voucher, unless approved by MDHA's Director of Private Rental Housing or Assistant Director of Private Rental Housing under extenuating circumstances. Addition of family members shall be the sole discretion of the Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee.

**B. Screening of New Family Members**

When an applicant or tenant requests approval to add a new family member, MDHA will conduct a pre-certification screening of any proposed new adult member and for minors ages 16-17 for whom juvenile justice records are available to determine whether MDHA will allow the family member to be added to the family composition prior to MDHA's approval of the new family member.

Minor children for whom juvenile justice records are not available or added through a formal custody award or kinship care arrangement are exempt from the pre-certification screening process, although the tenant needs prior approval from MDHA to add children other than those born to, adopted by, or awarded by the court to the family.

MDHA will consider the request for approval and require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that a head of household has authorization to include a minor. Changes to the family composition may also be allowed for families in which one or more children less than eighteen (18) years of age live with the designee of the parent or legal custodian, with parent or custodian's written consent. Documentation can include, but is not limited to, court documents, pre-need guardian, school records, other state and federal public assistance documentation, power of attorney, etc. Approval of the documentation shall be the sole discretion of Director of Private Rental Housing, the Assistant Director of Private Rental Housing or his/her designee.

All persons listed on the most recent certification form and residential lease must use the dwelling unit as their sole residence.

Examples of situations where the addition of a family or household member is subject to screening are:

1. Participant plans to be married and requests to add the new spouse to the lease;

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2. Participant desires to add a new member to the lease, employ a live-in aide or take in foster child(ren) over the age for which juvenile justice records are available;
3. One of the family members under age eighteen (18) who is not an emancipated minor, or an adult, not part of the original household, requests permission to take over as the head of the household.

Applicants or tenants who fail to notify MDHA of additions to the household or who permit persons to be added to the family composition without undergoing screening are in violation of program requirements. Persons added without MDHA approval will be considered unauthorized occupants and the entire household will be recommended for termination from the Section 8 Voucher and Section 8 Moderate Rehabilitation Programs.

**5.3 Foster Children**

The applicant and participant family must obtain approval for the addition of a foster child to the family before the new member occupies the unit. The family may request a change in the voucher size based on the following factors.

**A. Adding to the Family**

Foster children will be added to the family composition upon written request and so long as the applicant provides documentation by the appropriate agency establishing responsibility. A larger voucher unit size, if available, will only be granted to a family adding a foster child if the maximum occupancy level has been exceeded creating an overcrowded situation.

**B. Temporary Placement of Family Member**

A child who normally resides with the family but is temporarily away from the home because of placement in foster care, rehabilitation, treatment, or incarceration for a non-felonious crime, is considered a member of the family.

**5.4 Live-In Aide**

A live-in aide is defined as a person eighteen (18) years of age or older who resides with one (1) or more elderly, near-elderly, or disabled person/s and who:

1. Is determined to be essential to the care and well-being of the person/s;
2. Is not obligated for the financial support of the person(s); and
3. Would not be living in the unit except to provide the necessary supportive services.

MDHA will approve a written request for a live-in aide upon written verification (see Attachment C, Reasonable Accommodation Policy and Procedures, for Live-in Aide Verification form) that the elderly, near-elderly or disabled applicant's or program participant's family member requires the services of the live-in aide. MDHA may consider approval for more than one live-in aide for humanitarian reasons, provided proper documentation from a qualified health professional is submitted.

The live-in aide may live in the unit solely to care for the family member and qualifies for occupancy only for as long as the individual requires the supportive services and is living in the unit. The live-in aide must be counted in determining family unit size. MDHA shall deny

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occupancy of the unit to the live-in aide(s) after the tenant, for whatever reason, is no longer living in the unit.

A relative may be considered as a live-in aide but must meet all the above criteria and is qualified to provide the care for the family member. The tenant and the live-in aide shall acknowledge that the live-in aide does not have any right to the unit and does not qualify for continued occupancy as a remaining family member by signing the Live-in Aide Agreement (see Attachment C, Reasonable Accommodation Policy and Procedures, for the Live-in Aide Agreement) which shall become an addendum to the tenant's lease.

Upon approval by the MDHA Director of Private Rental Housing or Assistant Director of Private Rental Housing or designee, under extraordinary circumstances, relatives satisfying the definition of live-in aide wanting to have remaining family status may be added to the family composition as a family member and not as a live-in aide. In such a case, the relative's income will be considered in the family's income.

MDHA has the right to deny a person who does not meet the admission criteria described in Chapter 5.2. B, to become a Live-in aide. A criminal and sex offender background check of the proposed live-in aide shall be completed by MDHA prior to MDHA's approval of the proposed live-in aide.

#### **5.5 Medical Equipment**

At the sole discretion of MDHA, an applicant or program participant family may be allowed a larger voucher size to accommodate a family member who requires a hospital bed or other large medical equipment. The equipment must be substantial in size and must be verifiable by a medical doctor as medically necessary in order to justify approval of a larger voucher size.

#### **5.6 Family Absences from Unit**

A family may not be absent from the unit for more than sixty (60) consecutive days without prior written approval by MDHA as described below. It shall also be the responsibility of the family to advise the owner of any absence from the unit. Absence means that no member of the family as listed on the lease is residing in the unit. During all absences, the family must meet all program and lease obligations including the payment of rent, utilities and complying with inspection and re-certification obligations.

Absences from the unit for a period of sixty-one (61) to one hundred and twenty (120) consecutive days must receive prior written approval from a Section 8 Operations Tenant Selection Supervisor or higher authority. Absences for more than one hundred and twenty (120) consecutive days will not be approved. Assistance to a family will be terminated if the family is absent from its unit for more than sixty (60) days without prior written approval. If assistance to a family is terminated for such reason, the family may request a hearing within thirty (30) days of the termination notice. If the family is reinstated as a result of the hearing, the prior lease and contract will not be resumed but a new voucher will be issued and a new lease and contract executed.

The owner or management agent is obligated to reimburse MDHA for any housing assistance payment made for the period after the effective date of termination of assistance to the family. Such reimbursement shall be billed by the Section 8 Accounting office and remittance must be made by check or money order and submitted to the Section 8 Accounting Office.

Absence from a unit may be verified by any of the following methods: Housing Quality Standards inspection, proof of utility payments, service verifications, through owner/management company verifications, through an investigation or other documentation or means.

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**5.7 Family Break-up**

If an assisted family separates due to a divorce or by operation of law, MDHA will determine who continues to be assisted under the program. No additional housing voucher will be issued.

MDHA will take into consideration the following criteria in making its decision as to which family member continues to receive assistance in the program:

1. The desires of the family;
2. The interest of minor children, or of ill, disabled or elderly family members;
3. Whether any family members are going to remain in the assisted unit;
4. Whether there has been any instance(s) of actual or threatened physical violence against a family member by another member of the household;
5. Which family members were part of the original application for assistance;
6. If a court determines property disposition between the family members, MDHA will adhere to the court's determination as to who shall hold the Section 8 assistance; and
7. Whether there is drug-related or violent criminal activity. MDHA, in its sole discretion, may recommend terminating the entire family.



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**Chapter 6. Citizen and Immigration Status**

**6.1 Submission of Documents and Verification**

MDHA requires all members of a Section 8 participant family receiving assistance to provide written documentation of legal immigration status. Any new family members or unverified existing family members at the time of annual re-certification or interim certification shall provide written proof of immigration status for verification by MDHA.

All family members must submit proof as follows:

1. Citizens - Signed declaration of U.S. citizenship. MDHA requires verification of citizenship through U.S. passport, voter registration card, birth certificate, or naturalization papers for any family member asserting U.S. citizenship.
2. Non-citizens 62 years of age and older as of June 19, 1995 – Signed declaration of eligible immigration status and proof of age.
3. All other non-citizens - Signed declaration of eligible immigration status and specified acceptable U.S. Immigration and Naturalization Service (INS) documents of eligible immigration status.

Required documentation shall be provided by the family upon declaration of each family member's citizenship or eligible non-citizen status. If the family certifies that the required evidence is temporarily unavailable and it needs more time, MDHA may extend the submission period to submit evidence of eligible status not to exceed thirty (30) days, if the family has submitted the required declaration of eligible immigration status. To obtain an extension, the family must also certify that prompt and diligent efforts will be undertaken to obtain the evidence.

The family is required to submit evidence of eligible status only one time while being continuously assisted under the Section 8 program. MDHA shall verify with INS through primary, and if necessary, secondary verifications of documentary evidence submitted by the family to determine the eligibility of each family member.

Once the applicant or participant has submitted the documents of eligibility, MDHA may not deny, delay or terminate assistance solely on the basis that the primary or secondary verification of the immigration documents has not been completed.

**6.2 Provision of Notice**

In circumstances where INS has not verified eligibility, the family will be provided with a written notice that shall include:

1. That the family has a right to request an appeal to INS of the results of the verification of immigration status;
2. That the family has the right to request an informal hearing with MDHA upon completion of the INS appeal. Such hearing shall be in accordance with hearing procedures in Chapter 29 of this plan;
3. That Section 8 assistance may not be denied or terminated until the conclusion of the INS or MDHA appeal process; and
4. Notification of the type of assistance for which the family may be eligible (continued assistance, temporary deferral of assistance or pro-ration of assistance).

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**Chapter 7. Determination and Verification of Annual Income**

**7.1 Overview**

The determination of eligibility and total tenant payment (TTP) for the Section 8 Housing Choice Voucher Program require that the applicant's or participant's family adjusted annual income be calculated at the time of admission into the Program and on an annual basis. US HUD regulations (24 CFR 982.516) specify: the types and amounts of income from all family members that must be included in this calculation; the allowable deductions to be subtracted from the gross annual income to determine the adjusted income and the amount of utilities the tenant is responsible for paying.

**7.2 Definition of Annual Income**

Annual income means all amounts, monetary or not, that are received or anticipated to be received, from a source outside of the household, by the family head or spouse (even if temporarily absent) and/or any other family member during the twelve (12) month period following the effective date of admission or annual re-examination.

For a participant family which includes persons with disabilities under the Housing Choice Voucher Program (excluding Moderate Rehabilitation), MDHA's determination of annual income will include the disallowance of increase as provided in 24 CFR 5.617, if applicable. The Earned Income Disallowance (EID) is the exclusion from the calculation of the family's income, the income increase attributable to new employment or increased earnings, over the income received prior to qualifying for the disallowance. Additional disallowance requirements and the period of income disallowance are further described under 24 CFR 5.617. The EID carries a maximum 48-month lifetime limitation.

Annual income means all amounts that not specifically excluded by regulation. It includes, but is not limited to:

1. The full amount of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services, before any payroll deductions.
2. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service (IRS) regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in IRS regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by USHUD.
4. The full amount of periodic amounts received from Social Security, annuities,

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insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
6. Temporary Assistance for Needy Families (TANF).

If the TANF includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:

- The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
  - The maximum amount that the welfare assistance agency could allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
  - If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.
  - If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted.
  - Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
7. All regular pay, special pay, and allowances of a member of the Armed Forces Special pay to a member exposed to hostile fire is excluded.

### **7.3 Exclusions from Income**

Annual income does not include the following:

1. Income from employment of children (including foster children) under the age of eighteen (18) years;
2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;

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4. Amounts received by the family that is specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide;
6. The full amount of student financial assistance paid directly to the student or to the educational institution;
7. Special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. The amounts received from the following programs:
  - Amounts received under training programs funded by USHUD;
  - Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
  - Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time;
  - Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
9. Temporary, nonrecurring, or sporadic income (including gifts);
10. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
12. Adoption assistance payments in excess of \$480 per adopted child;
13. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
14. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

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15. Amounts paid by a State agency to a family with a member with a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
16. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits, including:
  - The value of the allotment of food stamps
  - Payments to volunteers under the Domestic Volunteer Services Act of 1973
  - Payments received under the Alaska Native Claims Settlement Act
  - Income from sub-marginal land of the U.S. that is held in trust for certain Indian tribes
  - Payments made under the Department of Health and Human Services' Low-Income Energy Assistance Program
  - Payments received under the Job Training Partnership Act
  - Income from the disposition of funds of the Grand River Band of Ottawa Indians
  - The first \$2,000 per capita received from judgment funds awarded for certain Indian claims
  - Amount of scholarships awarded under Title IV including Work-Study
  - Payments received under the Older Americans Act of 1965
  - Payments from Agent Orange Settlement
  - Payments received under the Maine Indian Claims Act
  - The value of child care under the Child Care and Development Block Grant Act of 1990
  - Earned income tax credit refund payments
  - Payments for living expenses under the AmeriCorps Program

**7.4 Adjusted Annual Income**

Adjusted income is the annual income of family members residing in or intending to reside in the rental unit, less allowable deductions of:

1. \$480 for each dependent
2. \$400 for any elderly family or disabled family
3. Child care
4. Medical expenses (must exceed 3% of gross annual family income)
5. Disability assistance (must exceed 3% of gross annual family income)

**7.5 Enterprise Income Verification (EIV), Third Party Verification, and Factors Affecting Eligibility and Family Rent**

Accurate determination of income eligibility, allowances, and family rent can occur only if all factors related to income and family circumstances are verified. Employment income, Temporary Assistance for Needy Families (TANF), veteran's benefits, unemployment compensation and social security income, interest and dividends, as well as factors affecting the determination of income, such as full-time student status or child care expenses must be verified directly via third party sources (written or oral) and/or by documents provided by the applicant, certifications, and self-declarations.

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If Enterprise Income Verification (EIV) as described below is not available, third-party verification will be used. If third party verification is not available, the reasons must be clearly and specifically stated in the tenant's file. Verification requirements are set forth in USHUD regulations at 24 CFR Part 982.

Acceptable documents include:

- Financial statements or tax returns for self-employed
- Copies of insurance policies
- Real estate tax statements
- Copies of birth certifications
- Copies of court orders concerning custody.

USHUD's EIV system is the preferred form of verifying income that is provided by the tenant on the Section 8 Applicant/Participant Information Worksheet. If the household's income in EIV matches the tenant-provided income, or if it is not substantially different, then third party verification is not necessary. However, third party verification may continue to be necessary to complement EIV income verification, for example, when the tenant disputes the data. It will not be considered as an automatic substitute for other third party verification, and may supplement other verification documentation, such as original, current tenant provided documents. MDHA will obtain as much information as possible about employment income, such as start date (new employment), termination date (previous employment), pay frequency, pay rate, anticipated pay increases in the next twelve months, year-to-date earnings, bonuses, overtime, company name, address and telephone number, name and position of the person completing the employment verification form.

EIV is used to verify income for recertification, annual, interim and change of dwelling, or on a random basis.

EIV information cannot be accessed unless a current unexpired Authorization to Release Information (HUD form 9886) has been signed by all adult family members. This form expires 15 months after it is signed by the tenant.

If income information in EIV is not available or if it is substantially different from tenant-provided information, then written verification from third parties is the next most desirable form of verification. Currently, a substantial difference requiring third party verification in cases where EIV income data differs from tenant-provided and/or other verified income information is defined as being \$200 or more per month or \$2,400 per year, unless amended by MDHA.

If EIV income data is not substantially different than current tenant-provided income documentation, the following guidelines for projecting annual income will be used:

1. If EIV income data is less than current tenant-provided documentation, MDHA will use tenant-provided documents to calculate anticipated income.
2. If EIV income data is more than current tenant-provided documentation, MDHA will use EIV income data to calculate anticipated annual income unless the tenant provides MDHA with documentation of a change in circumstances (i.e., change in employment, reduction in hours, etc.). Upon receipt of acceptable tenant-provided documentation of a change in circumstances, MDHA will use tenant-provided documents to calculate anticipated annual income.

In cases where EIV income data is substantially different than tenant-reported income, MDHA will utilize the following guidelines:

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1. Request written third party verification from the discrepant income source, in accordance with 24 CFR 5.236(3)(i). For EIV Social Security Administration benefit discrepancies, MDHA shall require the tenant to obtain a current original SSA benefit letter within ten business days of the interview date.
2. Review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when MDHA cannot readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.
3. Analyze all data (EIV data, third party verification and other documents/information provided by the family) and attempt to resolve the income discrepancy.
4. Use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

In verified differences of \$200 or more per month or \$2,400 or more a year, MDHA shall require the family to enter into a repayment agreement for monies owed. Should the family refuse to enter in a repayment agreement or not fulfill its obligations under its repayment agreement, MDHA shall recommend termination and may refer the case to the USHUD Office of the Inspector General.

MDHA, in its sole discretion, may recommend terminating assistance for tenant fraud on a case-by-case basis, e.g., forgery or has demonstrated a pattern of unreported or under-reported income in between or at prior reexaminations. In such cases, MDHA's Private Rental Housing Director or Assistant Director of Private Rental Housing or designee will make the determination whether to recommend terminating assistance and forwarding the case to the Office of Inspector General.

In instances where fraud (as defined in Attachment A of this policy) as opposed to tenant error (as defined in Attachment A of this policy) has occurred by the tenant and the difference is verified as being \$400 or more per month or \$4,800 per year, MDHA shall recommend terminating housing assistance and shall forward cases to the Office of Inspector General for fraud prosecution, where authorized by MDHA's Director or his/her designee.

Tenant income information derived from the EIV system is confidential and cannot be released to outside parties or unauthorized staff. This information is exempt from the Florida Sunshine Law and is required by USHUD to be kept private under penalty of Federal law. Any EIV derived information is required to be kept guarded under lock and key and must be shredded and destroyed when no longer needed. Copies are not kept in tenant files to avoid risking the release of such information to anyone other than the client and authorized MDHA staff. Unauthorized disclosure or inspection of EIV data can result in a felony conviction punishable by a fine up to \$5,000 and/or five (5) years imprisonment, as well as civil penalties, pursuant to the Privacy Act of 1974 as amended, 5 U.S.C. § 552(a).

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**Chapter 8. Payment Standard and Housing Assistance Payments**

**8.1 Payment Standard**

Under the Section 8 program a “payment standard” is used to calculate the monthly housing assistance payment for families of different sizes and compositions. The “payment standard” is based on the area Fair Market Rent (FMR) published by the USHUD and is established by bedroom size. The payment standard is the maximum monthly subsidy payment MDHA will make for a family based on the unit size that MDHA determines as appropriate for the family. The payment standard per bedroom size may not be less than ninety percent (90%) of, or more than one hundred and ten percent (110%) of FMR.

MDHA shall review its Payment Standard annually after the FMR is published. The review shall include:

1. Capacity for families to be mobile, i.e., ability of families to locate housing outside of high poverty areas;
2. Fair housing choice, i.e., the ability of families to locate housing outside areas of minority concentration, and
3. When families have difficulty locating housing for lease within the term of the voucher.

The Agency shall also review the payment standard for adequacy when thirty percent (30%) or more of the families have high rent burdens.

In order to maximize the number of families to be served based on available funds, MDHA may adjust, upon a waiver from USHUD, the payment standards when USHUD publishes the fair market rents.

MDHA may adjust the payment standard amounts within these limits in order to assure continued affordability of units within the Miami-Dade County jurisdiction.

**8.2. Exception Payment Standard**

MDHA may request an exception payment standard amount from USHUD for all units or all units with a given number of bedrooms in a designated “exception rent area” if it is determined that an exception rent is needed to help families find housing in low-poverty areas based on market conditions, or if voucher holders are experiencing difficulty in finding housing for lease under the program terms.

MDHA shall apply to USHUD for approval of payment standard amounts whenever deemed necessary by the analysis of need for a geographic area or neighborhood consistent with the Miami-Dade County Consolidated Plan.

**8.3 Calculating Housing Assistance Payments**

MDHA shall use the applicable payment standard schedule for the fair market rent area or the USHUD-approved exception rent area to calculate the housing assistance payment for a family. The payment standard for a family is the lower of the payment standard for the family unit size determined by MDHA as appropriate for the family composition or the payment standard for the unit actually rented by the family.

During the Housing Assistance Payment (HAP) contract term for the unit, the payment standard is determined by the FMR rent limits effective at the most recent regular reexamination of family income and composition after the beginning of the HAP contract term.



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The payment standard for a family shall not drop below the payment standard in effect at the time of Request for Tenancy Approval unless:

1. The rent to owner decreases;
2. There is a change in family size or composition; or
3. The family enters into a new lease. A family entering into a new lease at a current or new unit shall have the current payment standard in effect.

**8.4 Reasonable Accommodation**

As a reasonable accommodation for a family that includes a person with a disability, MDHA may establish a higher payment standard for that family up to 110% of the published fair market rent. With approval of the HUD Field Office, the payment standard can be up to 120% of the published fair market rent. The applicant, participant, or representative must request this exception. Refer to Attachment C for MDHA's Reasonable Accommodation Policy and Procedures document.

Applicants with Accessibility or Special Needs:

Applicants whose family includes a disabled person may request a current list of accessible units known to the Agency. The Agency shall not be held responsible for certifying the unit as accessible. Such verification is the responsibility of the family. Verification of the handicap or disability of the family member may be necessary to determine the need for an accessible unit as well as for any disability assistance expenses that the applicant may be able to make a claim.

If the need for an accessible unit is clearly evident, verification of need is not required. MDHA will conduct outreach efforts to encourage owners with accessible units to participate in the Section 8 programs. See Attachment C for MDHA's Reasonable Accommodation Policy and Procedures document.

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**Chapter 9. Rent Comparability and Reasonableness**

**9.1 Comparability**

Rent charged for a unit under the Section 8 voucher program must be reasonable. MDHA must assure that the rent for the unit assisted under Section 8 is not more than rents charged for comparable units in the private housing market and that the rents approved by the Section 8 program for any units placed under lease do not have the effect of inflating rents in the area or neighborhood. In order to determine comparability MDHA performs surveys of comparable rents by field visits and through published rental data analyses. MDHA reserves the right to contract with a private entity to perform surveys of comparable rent,

At the time of initial move-in or change of dwelling, where the rent reasonableness study establishes a contract rent for a unit which is less than the amount requested by the owner and also less than the payment standard, the tenant does not have the option to pay the owner more than MDHA's approved contract rent nor the determined "tenant portion" of the rent.

If the rent reasonableness study for an initial move-in or change of dwelling establishes a contract rent that is greater than the payment standard, that is, the unit's value is greater than the payment standard, the family may agree to pay the difference in the rent given the family's ability to pay. MDHA will not approve a rent amount that is beyond the family's ability to pay and under no circumstances approve a tenant portion more than 40% of the family's adjusted monthly income if the gross rent is above the payment standard at time of initial move-in or change of dwelling.

Under no circumstances may an owner charge an amount to a tenant more than what is approved by MDHA nor demand 'side payments' in addition to the approved rent.

**9.2 Initial Determination of Rent**

If a multi-family building has both private market and Section 8 tenants and the requested rent for the unit is above the payment standard, the rent will be considered on a case-by- case basis.

A comparable unit shall be defined as a unit which is similar to the subject unit using the following criteria for comparison:

- Square footage
- Number of bedrooms/bathrooms
- Type, i.e., single family, townhouse, duplex, multi-family, etc.
- Location
- Condition or maintenance
- Amenities
- Year Built (Age)
- Quality
- Housing Services

On occasion, assessing the rent influence of a non-conforming design or condition may require unsupported but reasoned appraisal judgment. In many cases, however, the effect on the rent can be determined from market data.

In general, a minimum of two to three comparable private market (unassisted) units will be used. At the request of the family, MDHA will assist the family in negotiating the rent, if the rent reasonableness study shows that the unit is valued less than the amount requested by the owner.

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As part of the rent reasonableness documentation, MDHA shall require the owner to provide a rent roll of unassisted comparable units that shall consist of, at minimum, the apartment or unit number, bedroom size, contract or full rent charged, and the utilities included in the rent. A rent roll shall be required in all buildings of two or more units. MDHA shall require such documentation at lease-up and every time the owner requests an annual or special adjustment (increase). MDHA may request the owner to provide information on units in the general area for comparability. In addition, MDHA uses the Multiple Listing Service provided by the local board of realtors to compile data on unassisted comparable units.

**9.3 Documentation and Record Keeping**

MDHA will maintain in a database listing (by zip code or census tract) the reasonable rents approved for units under Section 8 contract for a minimum of three (3) years. Such documentation shall include the bedroom size of unit, address, last rent charged and date of last rent adjustment.

Copies of rental survey forms shall be maintained for three years by MDHA and indexed to ensure easy reference. A copy of the approved survey shall also be maintained in the tenant file. MDHA shall also retain and maintain survey forms requested for completion by owners and returned to MDHA.

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**Chapter 10. Housing Quality Standards and Inspections**

MDHA will inspect all units to ensure that the units are in a decent, safe and sanitary condition in accordance with the Section 8 Housing Quality Standards (HQS). No unit will be placed under an initial contract until the unit is inspected and any and all necessary repairs are completed and the unit is approved by MDHA. MDHA will also consider concurrency with local codes referencing the Minimum Housing Code, the Florida Building Code and Miami-Dade County Zoning Code, Chapter 33, with the Section 8 HQS as the acceptability criteria for inspections.

**10.1 Initial Inspections**

The initial inspection is conducted prior to the family moving into the unit as a result of the family's submission of a Request for Tenancy Approval. MDHA shall complete the initial inspection within fifteen (15) days from the acceptance of the Request for Tenancy Approval. The owner is responsible for curing all code/lease violations found at the initial inspection and contacting the Inspections Unit to schedule a re-inspection when corrected. The re-inspection is not automatic. These actions must be completed before the expiration of the participant's voucher term or any approved extensions. Approval by the Section 8 Operations staff for the tenant to move in will not be given until the unit passes inspection, reasonable rent has been established, and the executed lease has been submitted.

**10.2 Annual and Compliance Inspections**

Each unit under contract will be inspected at least annually or by complaint from the tenant, the owner, or any concerned party, including MDHA; however each unit must be in compliance with HQS requirements throughout the assisted tenancy. The annual inspection will be completed no less than thirty (30) days to no more than ninety (90) days before the expiration of the lease. Notification shall be mailed to both owner and tenant of annual and compliance inspections.

All violations must be corrected within the following guidelines:

- If the item presents an immediate danger to the tenant family's health or safety, the violation must be corrected within twenty-four (24) hours of inspection; or
- If the item does not present an immediate danger to the tenant family, the violation must be corrected within thirty (30) days of inspection. If an extension of time to correct the defect is requested in writing as described under Section 10.3, the Private Rental Housing Director or designee (Special Projects Administrator or higher) may approve in writing an extension on a case by case basis no more than fifteen (15) calendar days. (24 CFR 982.404).
- In the event that the item(s) is/are caused by a natural disaster and the item(s) is/are not considered emergency conditions, (i.e. an immediate danger to the tenant family's health or safety), extensions for longer periods may be granted, but for no longer than ninety (90) days. These extensions may be granted by the Director of Private Rental Housing or designee (Special Projects Administrator or higher). In order to approve such an extension, MDHA may request evidence of insurance claims, estimates for repair or other related documents.

A compliance inspection will be performed on or before the extension period for the complaint or annual inspection has expired in accordance with the guidelines set out above. The date of this compliance inspection is referred to as the compliance date.

Inspection reports will note whether needed repairs are to be considered the tenant's or the owner's responsibility. Regardless of responsibility, for units that fail the HQS compliance

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inspection, housing assistance payments (HAP) will be abated (i.e., stopped) beginning no later than the first day of the month following the specified correction period and/or the HAP contract may be terminated (refer to Sections (C) and (D) below).

**A. Notification and Owner Responsibilities**

The MDHA will notify owners and tenants in writing of specific HQS requirements that fail the inspection or are inconclusive. Further, the notice will indicate the time of the re-inspection when any deficiencies must be corrected. The owner is responsible for any and all HQS violations designated as owner responsibility by MDHA, and corrections must be made to comply with requirements as set by MDHA and USHUD regulations; if not, payment abatement and/or termination of HAP contract will result as defined in Section (C) below.

**B. Notification and Participant or Tenant Responsibilities**

The MDHA will notify the tenant and owner of specific HQS requirements that fail the inspection or are inconclusive. The participant is responsible for utilities and provision of appliances as provided by their lease. The participant is also responsible for all damages or repairs in the unit that are beyond ordinary wear and tear designated as tenant responsibility by MDHA. The Section 8 participant is responsible for all damages or violations caused by family members or visitors to the unit. Participants may negotiate with the owner to make repairs or be responsible for the costs of owner made repairs. MDHA will not be party to the collection of costs or the arrangements made between the owner and tenant regarding repairs to the unit.

The participant must allow inspections to be made by MDHA. Additionally, the participant must allow the owner to make repairs upon reasonable notice and at reasonable hours as provided in the Florida Tenant-Landlord Act. Any repairs that the tenant makes must be made with the owner's consent and with reasonable workmanship and quality. Failure of the participant to give access to allow inspections and/or repairs in compliance with the lease and housing program rules and regulations may result in the family's termination from the Section 8 program (refer to Section (D)).

**C. Noncompliance due to Violations that are Owner Responsibility**

For violations that are the owner's responsibility and are not corrected within the above time frames, the Section 8 Inspection Unit will abate HAP beginning no later than the first of the month following the expiration of the MDHA violation notice, and the housing assistance payment contract will be referred for termination to Section 8 Operations. If the violations are corrected and verified by inspection before the HAP contract is terminated, the payments will be reinstated as of the date the unit passes inspection, as long as there is a current lease in place. If the violations are corrected after the termination, the owner and the tenant must execute a new lease and HAP contract. Another initial inspection must be conducted to verify there are no HQS deficiencies.

**D. Noncompliance due to Violations that are Tenant Responsibility**

For violations that are deemed the tenant's responsibility and are not corrected within the above time frames, the tenant will be recommended for termination by Section 8 Operations. Both the owner and tenant shall be notified in writing by MDHA.

Should a tenant's participation be recommended for termination for HQS violations in the unit, they will be entitled to a hearing in accordance with this Administrative Plan. While the hearing proceedings and decision are pending, HAP will continue to the owner, but not for longer than a period of sixty (60) days from the date of the failed inspection, unless

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the owner completes the eviction. Should the owner evict the tenant for tenant-responsible HQS violations, the owner may be paid through the date of eviction. For the payment to be approved, the owner must provide evidence that the eviction has been completed.

In the event that the family's participation is terminated as a result of a hearing decision, and the family remains in the unit, the family is responsible for the rent to the owner.

MDHA shall notify the owner and tenant by mail of the determination of a unit failing compliance inspection abatement and/or termination of assistance. If there are both tenant and landlord responsible violations, the HAP shall not be paid to the landlord.

**10.3 Extensions of Compliance Inspections**

Reasonable extensions to the time limitations for compliance established in this section may be granted by the MDHA Private Rental Housing Director or his/her designee, in extenuating circumstances. Copies of written approval of extensions shall be provided to MDHA's Accounting, Section 8 Operations, and Inspections. Requests for such extensions must be made by the owner/agent in writing to MDHA and be supported by documentation. Examples of extenuating circumstances may include but are not limited to the following:

- Extremely high number of units requiring repair or high number of necessary repairs;
- Inclement weather;
- Financial/Contractor considerations;
- Verification of unavailability of necessary parts; or
- Emergency situations

In the event that the item(s) is/are caused by a natural disaster and the item(s) is/are not considered emergency conditions, (i.e. an immediate danger to the tenant family's health or safety), extensions to the compliance inspection date may be granted, but for no longer than ninety (90) days. These extensions may be granted by the Director of Private Rental Housing or designee (Special Projects Administrator or higher). In order to approve such an extension, MDHA may request evidence of insurance claims, estimates for repair or other related documents.

**10.4 Lead-Based Paint Requirements and Responsibilities**

USHUD implemented regulations relating to lead-based paint effective September 15, 2000, to incorporate Title X of the Housing and Community Development Act of 1992. These regulations, at 24 CFR 35, stress identification of lead paint hazards, notification to tenants of the existence of such hazards, and control of lead-based paint hazards to reduce poisoning among young children. To the extent that it is practicable, the hazards of lead-based paint poisoning must be eliminated.

The requirements apply to dwelling units built prior to 1978 that are occupied by families with children under six years of age, excluding 0 bedroom units.

**A. Notification and Disclosure of Lead-Based Paint Hazards Prior to Occupancy**

Prior to the execution of the lease, the owner is required to disclose any knowledge of lead-based paint or lead-based paint hazards in housing built prior to 1978, to all prospective tenants. MDHA will request the disclosure from the owner for all housing built prior to 1978. The notice should be provided to MDHA in the tenant file.

**B. Visual Assessment for Deteriorated Paint**

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During initial and annual inspections of pre-1978 units that will be or are occupied by families with children under 6 years, MDHA must conduct a visual assessment of deteriorated paint surfaces on the interior and exterior of the unit; in common areas, such as hallways, and access and egress areas; and in playgrounds, child care areas and other areas frequented by children under 6 in the proximity of the unit. Deteriorated paint surfaces are interior or exterior paint or other coating that is peeling, chipping, flaking, cracking, or is otherwise damaged or has separated from the surface.

**C. Stabilization of Deteriorated Paint Surfaces**

When the inspection identifies deteriorated paint surfaces, MDHA must notify and require the owner to perform stabilization of the deteriorated surfaces before initial occupancy or within 30 days of notification by MDHA for occupied units. Owners must perform paint stabilization on all deteriorated paint surfaces regardless of the size of the deteriorated surface. Paint stabilization includes:

1. Repair of any physical defect in the substrate of the painted surface or building component, including dry-rot, rust, moisture-related defects, crumbling plaster, missing siding, or other components that are not securely fastened.
2. Removal of all loose paint and other loose material from the surface being treated.
3. Application of a new protective coat of paint to the stabilized surface.

If the amount of deteriorated paint is below the de minimis level, the owner must perform paint stabilization. De minimis level of painted surfaces is defined as twenty (20) square feet on exterior surfaces; two (2) square feet on an interior surface in a single room or interior space; or ten percent (10%) of small components, such as window sills, on the interior or exterior.

Should the amount of deteriorated paint be above the de minimis level, the owner has additional requirements to be in compliance. The stabilization activities must be conducted with trained staff. Acceptable methods for preparing the deteriorated surface must be used, including wet scraping, wet sanding, and power sanding, using an exhaust attachment. In addition, the owner must protect the tenants and their belongings from contamination during stabilization. After stabilization has been completed, the owner must notify the tenants within fifteen (15) calendar days and provide the tenants notice of the clearance examination.

MDHA is responsible for clearance examinations, which must be performed by persons who have EPA or state-approved training and are licensed or certified.

Failure to comply with the paint stabilization requirements, results in the disapproval of the tenancy, abatement of the HAP to the owner, and/or termination of the HAP contract. The HQS violation for paint stabilization is considered concluded when MDHA receives a signed copy the owner's certification that the lead-based paint hazards are in compliance with USHUD requirements.

**D. Requirements for Children with Environmental Intervention Blood Level**

When MDHA receives information regarding child under the age of six (6) with an environmental intervention blood level, i.e. a confirmed concentration of lead in the blood equal or greater than twenty (20) micrograms of lead per deciliter, the information must be confirmed with the public health department or another health care provider. If the information is received from any other source than the public health department, MDHA must notify the public health department within five (5) business days.

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Within 15 days from the date of verification from the public health department or health care provider of the initial information, MDHA must complete a risk assessment of the unit, common areas and exterior surfaces. Risk assessments involve on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards. The inspector issues a report explaining the results of the investigation, including options and requirements for reducing lead-based paint hazards.

The owner must notify the tenants of the results of MDHA's risk assessment within fifteen (15) days from the date the report was received from MDHA.

If lead-based hazards are identified, the owner must complete reduction of the hazards within thirty (30) days or time specified by MDHA. Failure to complete the hazard reduction activities within thirty (30) days of notification or the period required by MDHA is a HQS violation.

Hazard reduction is completed when a clearance examination has been conducted and all identified hazards have been treated and cleared or when the public health department certifies that the hazard reduction is complete.

The owner must notify the tenant of the hazard reduction activities within fifteen (15) days of the completion of the activities. The hazard reduction activity is considered concluded when MDHA receives a signed copy of the owner's certification that the lead-based paint hazards are in compliance with USHUD requirements.

**E. Ongoing Maintenance**

The owner is required to conduct a visual assessment for deteriorated paint and failure of any hazard reduction at time of move-in and at least annually. In addition, the owner is required to make corrections of deteriorated paint and any failed lead hazards reduction measures. The owner must provide written notice to each assisted family asking tenants to report deteriorated paint and certified that this requirement is met by presenting a certification to MDHA before initial move-in and at annual inspection.

**F. Data Collection and Record Keeping**

At least quarterly, MDHA must attempt to obtain from the public health department the names and addresses of children under age six (6) identified as having an environmental intervention blood level and provide the public health department with the name and addresses of units occupied by children under age six, unless the health department indicates that the such information is not necessary. In addition, MDHA must match information received from the public health department with information on assisted families. Should a match occur, MDHA must proceed in notifying owners and conducting risk assessments.

MDHA is responsible for informing owners of the lead-based paint regulations and requirements that became effective on September 15, 2000.

**10.5 Performance Requirements and Acceptability Criteria**

MDHA will utilize the Performance Requirements and Acceptability Criteria stated by USHUD. In addition to Lead Based Paint standards, MDHA has adopted the following standards:

**A. Light and Ventilation Requirements**

Performance Requirement: Each room shall have adequate natural or artificial light and ventilation.



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Acceptability Criteria: The living room and each sleeping room shall have at least one window or skylight facing directly to the outdoors and each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of tenants. The minimum total window area which provides light to each habitable room shall be not less than ten percent (10%) of the floor area of such room. Whenever exterior walls or other light-obstructing structures are located less than three feet from the window and extend above the ceiling of the room, such a window shall not be included in the required minimum window area. Whenever the only window in a room is a skylight type window located in the ceiling, the minimum total window area of such skylight shall not be less than fifteen percent (15%) of the total floor area of the room. Skylights shall not be a substitute for the window requirements in sleeping rooms.

Kitchens and dining rooms will be exempt from the above window requirements so long as they meet the other requirements below. If any two habitable rooms, excluding sleeping rooms are separated by a common wall and either room lacks the required window area, but meets all three exceptions listed below, such rooms shall be considered in compliance with this section.

- The common wall separating the two (2) rooms must provide an opening equal to twenty-five percent (25%) of the total wall area.
- If the opening so provided is a doorway, it must be unobstructed and have a minimum width of thirty (30) inches.
- One (1) of the two (2) rooms must provide the required light and ventilation for the total combined floor area of the two rooms.

Every habitable room shall be ventilated by open areas equal to fifty percent of the required minimum window area, as set forth above, or by equivalent mechanical ventilation as approved by the inspecting officer.

Every bathroom, shower room and water closet compartment shall comply with the light and ventilation requirements for habitable rooms listed above. No window or skylight shall be required in adequately ventilated bathrooms, shower rooms or water closet compartments equipped with an approved mechanical ventilated system which automatically becomes operational when the bathroom switch is turned on.

Every door, window or other device opening to outdoor space and used or intended to be used for ventilation shall be provided with an approved type of screen for protection against mosquitoes, flies and other insects.

Every opening beneath a dwelling, including basement or cellar windows and crawl space, shall be equipped with an approved type of screening or lattice work to keep out large animals and rodents.

Every habitable room of such dwelling shall contain at least two separate floor or wall-type electrical convenience outlets, or one such convenience outlet and one ceiling-type electrical fixture. Every bathroom, shower room, water closet compartment and laundry room shall contain at least one properly installed ceiling or wall-type electric light fixture. The switches shall be located and installed as to avoid the danger of electric shock.

Every hall and stairway located in a structure used for human habitation shall be provided with not less than one foot candle of natural light throughout or with properly installed electric lighting facilities which provide not less than one foot candle of illumination throughout and which are controlled by the occupants of the structure and available at all times.

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**B. Smoke Detection**

Performance Requirement: All dwelling units shall be equipped with smoke detection devices.

Acceptability Criteria: All units must have approved smoke detectors, continuously powered by the house electrical service, *and* properly installed. In existing structures, approved smoke detectors powered by batteries may be used.

**C. Additional Acceptability Criteria**

In addition to the requirements listed in the regulations, MDHA adopts the following as additional Acceptability Criteria.

1. Space: Water closets must afford at least twenty-one (21) inches of space between the front of the commode and the wall.
2. Food preparation and refuse disposal: All food preparation facilities must be located in reasonable proximity to the kitchen. This includes the stove or range, refrigerator and sink equipped with hot and cold water.

**10.6 Quality Control Inspections**

Quality Control inspections will be conducted to ensure that inspections are in conformance with HQS, to verify the accuracy and efficiency of inspection personnel, and to monitor and document program performance. It is the intent that these inspections and the keeping of records will assist in the identification and prevention of repeated violations.

Quality Control inspections will be conducted by a staff member of MDHA, trained and experienced in conducting unit inspections and will report to the supervisor of the Private Rental Housing Review Team. The Quality Control (QC) Inspector shall make objective determinations on the inspections being performed. The QC Inspector will possess not only a full understanding of HQS standards but knowledge of local housing codes and health and safety standards.

The number of units selected for quality control inspections will be five percent (5%) (the Quality Control Sample) based on the total number of leased Housing Choice Vouchers, as specified at 24 CFR Part 985, to be in compliance with the Section Eight Management Assessment Program (SEMAP) requirements. The quality control inspection is a re-inspection of units previously inspected. Selection of the units for quality control inspections is done randomly by the Quality Control Inspector from a computer listing of all recently inspected units and should be a cross-section of neighborhoods and a cross-section of the work of inspectors to include the work of each inspector.

In addition, as part of the Quality Assurance Program, to ensure the effectiveness and integrity of the Quality Control Program in place, five percent (5%) of the Quality Control Sample will be reinspected by a staff member of MDHA, trained and experienced in conducting unit inspections that is not part of the Private Rental Housing staff.

To further explain the Quality Control Program and the Quality Assurance Program, methodologies and procedures have been developed.

**10.7 Procedure for Review of Inspections**

To settle disputes between owners and tenants concerning responsibility of cited HQS violations, the following procedure for expeditious review will be used. The tenant or the owner

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must call the inspections unit office within ten (10) days of the date of the inspection letter citing the disputed violations. Supervisory staff will review the inspection report and make changes in responsibility on a case-by-case basis. This will be done in consideration of applicable codes and regulations inclusive of any supporting reasons or documentation presented by either the landlord and/or tenant.

This review does not abrogate any rights that the landlord or tenant has under law.

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**Chapter 11. Utilities**

**11.1 Utility Allowance Schedule**

MDHA maintains utility allowance schedules for all commonly used utilities. Utility allowances are not meant to provide a dollar for dollar recapture of utility payments, but are an estimate of the monthly cost of a reasonable consumption of utilities by energy-conservative households that occupy housing of similar size and type in the same locality. The utility allowance schedules are reviewed and revised annually. If there is a ten percent (10%) increase or decrease in utility rate in any utility category since the last revision, the utility allowance schedules shall be revised.

The utility allowance schedules are by unit size and typical unit types in the Miami-Dade County area. MDHA has utility allowance schedules that apply to the Section 8 Housing Choice Voucher, Shelter Plus Care, Section 8 Moderate Rehabilitation and Section 8 Moderate Rehabilitation Single Room Occupancy units. One set of schedules are used for all of Miami-Dade County except for the City of Homestead, the second set of schedules are for units located in the City of Homestead. The City of Homestead has its own billing and unique rate system for water, sewer, trash and electricity.

Information obtained from the utility companies regarding rates for specified bedroom sizes and unit types are compiled on the appropriate USHUD form.

MDHA shall establish the utility allowances based on actual rates, fees, charges and assessments multiplied by established consumption statistics. MDHA shall contact local suppliers of utilities and services for information of the cost per unit and established consumption statistics. These contacts are Florida Power and Light for electricity, People Gas System for natural gas and propane, and Miami-Dade County departments for water, sewer and waste/trash. Tenants may provide their own refrigerator or stove in the unit; therefore, appliance dealer ads are reviewed annually and the price of a new modestly valued appliance is divided by sixty (60) months, the life span of the appliance.

The MDHA ADA Coordinator will review all requests for a higher utility allowance as reasonable accommodation for a person with disabilities. The revised utility allowance schedules are completed every twelve (12) months for re-certifications and new contracts.

A copy of the revised utility allowance schedules are provided to local USHUD office annually for their review and comments prior to their implementation on the effective date.

**11.2 Utility Reimbursements**

Where the utility allowance exceeds the total tenant payment of the family, MDHA will provide a utility reimbursement payment. Payment for utility reimbursement will be made monthly. If the family owes any sums to MDHA or any other housing authority, MDHA may use any utility reimbursement amount owed to the family as payment, but only upon the family's consent.

MDHA, at its discretion and as deemed operationally feasible, may make utility reimbursement payments directly to the utility company. Such direct payment shall not require the family's consent; however, MDHA shall inform the family immediately upon its decision to make payments directly.

**11.3 Tenant-Responsible Utilities**

Utilities for which the tenant has agreed to be responsible, as stated in the RFTA and the residential lease, must be in the name of the head of household. The maintenance of such utilities are a family responsibility as specified at 24 CFR 982.404 and failure to do so may result in a recommendation for termination.

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**Chapter 12. Security Deposits and Late Fees**

**12.1 Security Deposits**

For all housing assistance payments contracts, an owner may collect a security deposit from the tenant. It shall be the owner's responsibility to collect the security deposits from the family. The amount of the security deposit must be consistent with common practice in the Miami-Dade private rental market and not in excess of security deposits collected for owner's unassisted tenants. MDHA may prohibit a security deposit deemed to be in excess of private market practice or in excess of security deposits charged to unassisted tenants. The security deposit amount must be documented in the lease.

**12.2 Late Fees**

**A. Late fees by Tenant**

MDHA will not approve the tenancy and owner's lease if the owner charges late payments exceeding \$50 per month. The execution of the lease by the tenant indicates agreement with the late fee provisions. This policy is consistent with the customary practices in the community.

**B. Late fees by MDHA**

Late fees shall not be assessed on Housing Assistance Payments except under all the following conditions:

1. If it is the owner's overall policy to collect such fees,
2. If it is a common and acceptable practice in the community, and
3. The owner charges the same fees against all tenants, assisted and unassisted tenants, as verified in the tenant's dwelling lease.

Late fees may be assessed at the written request of the owner if payment of the HAP has been delayed in excess of sixty (60) days from the effective date of the HAP contract. In instances where USHUD determines that payment is not made due to circumstances beyond MDHA's control, which affect payments to other owners, late fees shall not be assessed.

Late fee(s) are paid to the landlord based on the same monthly late charge fee the landlord charges his/her tenants stipulated in the dwelling lease.

MDHA is obligated to make housing assistance payments within 60 days from the HAP effective date. If MDHA does not make payments by this date, owners can submit late payment claims on MDHA's late payment penalty form and MDHA shall pay late fees for any months the payment is past due. Owners must submit any late payment claims within fifteen (15) days from this date. Failure of the owner to make a claim within fifteen (15) days waives his/her right to make a claim for late payment penalties.

After receiving USHUD's approval, MDHA will inform an owner when processing of payments may be delayed and that the Agency will not pay late fees should this situation occur. This may include, but not be limited to, delays in payments to new contracts or reactivation of payment following abatements due to HQS violations.

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**Chapter 13. Tenancy Approval**

**13.1 Documents to be Submitted**

When the voucher holder has located a unit during the term of the housing voucher, he/she must submit a completed Request for Tenancy Approval package to the Section 8 Operations Office containing the following:

1. Request for Tenancy Approval Form HUD-52517, fully executed and signed by both owner and voucher holder tenant;
2. Affidavit of Disclosure fully completed, executed by the owner and notarized;
3. Proof of Ownership: if currently on the computerized Miami-Dade County property rolls, the tax bill or other document indicating the folio number may be submitted; if not current on the tax rolls, then a valid deed may be submitted;
4. An unexecuted lease and Tenancy Addendum for review by Section 8 Operations staff. The owner may provide his/her own lease, which the owner uses for rental to unassisted tenants. An owner-supplied lease must be in conformance with state and local statute. MDHA, at its discretion, may refer leases to the Miami-Dade County Attorney's Office for review. Upon request by the owner, MDHA may provide a copy of a model lease;
5. Condominium, co-op, or homeowner association approval letter, if applicable and required by such association;
6. Section 8 Landlord Certification of Responsibility Form executed by the owner;
7. Tax Identification Number or Social Security Number, as applicable, for the owner, and
8. Other affidavits, as required by Miami-Dade County.

In circumstances where clarification of ownership is required, MDHA may request appropriate documentation and may verify such ownership with other Miami-Dade County Agencies and the County Attorney's Office.

Prior to the approval of the assisted tenancy, MDHA will request the following from the owner: IRS Form W-9, completed and executed, unless previously provided by the owner. Ownerships by trusts and corporations shall conform to Internal Revenue Service and the State of Florida requirements. A W-9 shall be completed for every ownership entity with a different tax identification number.

**13.2 Approval of Assisted Tenancy and Approval to Move In**

MDHA must review and approve all submitted documents, the rent must be reasonable; the unit must pass HQS initial inspection, and receive an executed lease prior to Section 8 Operations granting authorization for the family to move into the unit. The tenant shall be responsible for the full contract rent to owner if the family moves into the unit prior to being given authorization to move in. To the greatest extent possible, MDHA will approve tenancy within thirty (30) days given all documents are submitted, completed and executed, the rent is determined as reasonable or negotiated and the unit passes HQS inspection.

MDHA shall not approve a family for initial tenancy of a unit under Section 8 if the family's portion of the rent exceeds forty percent (40%) of the family's monthly adjusted income, or if the

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gross rent exceeds the applicable payment standard according to the family composition. This requirement is subject to change in conformance with USHUD federal regulations.

**13.3 Use of Unit for Business**

A tenant may conduct small-scale legal business in the unit if all of the following conditions are met. An example of a business includes, but is not limited to, cottage industries such as sewing and alteration service. Conditions are:

1. Must be included in the lease or as an addendum to the lease,
2. Must be approved by owner,
3. Income derived from the business must be included and calculated as part of the family's income,
4. Business is in compliance with local zoning codes and other ordinances; and
5. Business does not conflict with federal housing quality standards regarding space and occupancy standards.

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**Chapter 14. Housing Assistance Payments**

Payments under valid Housing Assistance Payments (HAP) contracts will be made on or about the first of the month for which the payment is due. HAP shall be considered made when the check is issued or electronically transmitted to the owner. Initial payments, due to processing steps, may be delayed. However, all amounts due to date will be paid when processing is complete.

**14.1 HAP Contract and Lease Termination**

HAP payments will continue so long as the unit passes inspection, the family completes re-certification annually, and is qualified and eligible for continuation in the Section 8 program or until the HAP contract or lease is terminated by the owner, the tenant, or MDHA in accordance with federal regulations. If the HAP contract or lease is terminated, the assistance payment will terminate as follows:

1. If the tenant moves, the HAP will be paid through the notice to move date. If the tenant gives a notice of intent to vacate or executes a mutual lease termination agreement with the owner and does not move out of the unit by the date indicated, and the owner is willing to allow the tenant to remain in the unit, the owner and tenant will be required to sign a new one (1) year lease for the owner to continue to receive HAP. If the lease is not executed, then the tenant will be responsible for the entire contract rent. .
2. If the owner terminates the contract, the payment will terminate effective on the date indicated in the notice to terminate. MDHA must be given a copy of owner initiated notice of termination of lease. Such notice must be given to tenant with a copy to MDHA prior to commencement of any eviction action. Such notice may not be simultaneous to eviction process.
3. If MDHA terminates the contract, payment will stop on the date indicated in the notice.

**14.2 Right to Recoup Amounts Paid**

**A. Recapture by MDHA**

If a contract is terminated after payment has been made or a stop payment is not possible, MDHA reserves the right to recoup amounts paid erroneously to owners by withholding any payment owed to that owner, even if the payment owed is for another Section 8 tenant or for another program. If the owner has no other valid Section 8 contracts, he/she will be responsible for making repayment to MDHA promptly upon request. MDHA reserves the right to place a lien on the property for any amounts owed after efforts to recoup funds are unsuccessful. MDHA will not accept any new Requests for Tenancy approvals until the payment is made by the owner.

**B. County Obligations**

MDHA reserves the right to withhold payments if an owner owes funds to another Miami-Dade County department. Such withholding is pursuant to County ordinance and will only be made upon request by the affected department and with written notice to the owner.

**14.3 Termination of HAP Contract for Insufficient Funding**

MDHA may terminate the HAP contract if it is determined, in accordance with USHUD requirements, that the funding under the consolidated ACC is insufficient to support the



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continued assistance for families in the program. In the event that termination of HAP contracts becomes necessary, MDHA shall exempt the following:

- Elderly persons, 62 years and older
- Disabled families
- Section 8 Homeownership Program participants
- Families receiving voucher assistance as a result of relocation due to HOPE VI development
- Mobility Pool members under lease; and/or
- Families receiving voucher assistance through special allocations in VASH, Access 2000 and Mainstream programs

MDHA reserves the right to determine the methodology of termination of HAP contracts. Such methodology shall be based on income. Families currently paying seventy-five percent (75%) or more of contract rent will have the HAP contracts terminated. If, after terminating families paying 75% or more of contract rent, there continues to be insufficient funding, then families paying 50% to 74% of contract rent will be terminated. If there continues to be insufficient funding, then families paying 25 to 49% of contract rent will be terminated. The order of families being terminated in these payment groups shall be conducted on a first in, first out basis, i.e., those families who have participated the longest in the program by lease-up date will be the first HAP contracts terminated. Notice of the HAP contract termination will be provided to the tenant and owner. Families terminated due to lack of sufficient HAP funding leaving in good standing shall be afforded, where available, other housing opportunities, including homeownership opportunities under the Surtax Program and affordable rental housing. Families removed from the program shall be placed on a list until funding is available for re-housing.

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**Chapter 15. Annual and Interim Re-certification**

**15.1 Annual Re-certification**

**A. Scheduling of Appointments**

Each family participating in the Section 8 program is required by federal regulation to be re-certified every twelve (12) months. Re-certification requires the program participant to provide information regarding family income and composition to MDHA so that tenant rent for the coming year may be established.

MDHA requires the annual re-certification also known as annual re-examination to be completed by personal appearance by the adult family members at the Section 8 office. MDHA will notify the Section 8 family approximately ninety (90) days prior to their scheduled re-examination date of the appointment information, including what documentation the family will be required to provide.

MDHA may access criminal records of any household members with the purpose of determining continued assistance under the program, at recertification, change of dwelling, and at any time MDHA deems necessary. MDHA's Consent Form Authorizing Miami-Dade Housing Agency to Obtain Criminal Background Checks must be signed by all appropriate family members. The tenant's consent and authorization terminates upon the tenant's termination of tenancy in the program.

Annual recertifications shall be conducted in the Section 8 office. If a Section 8 participant is unable to come to the office for the annual recertification due to disability, chronic long-term illness, and as a reasonable accommodation or other circumstance, MDHA may allow, on a case-by-case basis, the Section 8 family to be recertified either by mail or by home visit.

**B. Number of Appointments and Missed Appointments**

A family shall be allowed to miss no more than two appointments in the Section 8 Office to complete the re-certification. If the family fails to keep the first appointment, a second notice shall be mailed stating that failure to complete the re-certification at the second appointment will be grounds for termination from participation in the Section 8 program. If the tenant arrives more than 15 minutes late to the appointment, it will be considered a missed appointment. Exceptions shall be granted by MDHA's supervisor on a case-by-case basis with consideration of the reason or circumstances for not meeting the re-certification requirements. MDHA may require documentation from the family to prove any extenuating circumstances. The same number of appointments and procedure stipulated above shall apply to all Section 8 programs, including the Family Unification program, Veterans Assisted Supportive Housing (VASH), Welfare to Work, and other targeted Section 8 programs. The Florida Department of Children and Families shall be copied on the second appointment notification to Family Unification participants in an effort to provide any necessary intervention.

**C. Acceptable Verification of Income**

Enterprise-Income Verification (EIV) when available and third party written verification of information is the most desirable type of documentation. If EIV information conforms to the family's declared income as described under Chapter 7.5, third party verification may not be required.

Verification of income from an employer may be submitted by the employer by mail or by facsimile. Proof of income is to come directly from the employer. If the information is faxed, it must be confirmed by telephoning the employer and documented with date and time of

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call. Self-employment declarations must be submitted in writing and notarized. Any verification of income from the Social Security Office, Department of Children and Family Services, or other governmental agency must have an official stamp or other identifying mark.

When third party verification is not readily available, verification information may be obtained over the telephone and documented in the tenant file by the Section 8 employee that signs and dates the recorded information. If third party verification is not otherwise available, a copy of the most recent federal income tax return shall be submitted, including any W-2 information, or six consecutive pay stubs or earnings statements. Notarized statements or affidavits are the least desirable form of verifications and shall be accepted only when all other types of verification attempted have failed.

**15.2 Interim Re-certifications**

**A. Increase in Family Income or Family Composition Changes**

If the family's income increases more than \$200 per month since the tenant's annual re-certification, the family will be required to report the income increase in writing within ten (10) days of the change. Tenants will be provided a statement at annual recertification that they are required to report changes in income more than \$200 per month and that failure to report such changes may result in their termination from the program. For family composition changes due to birth, adoption or otherwise granted custody to the family by operation of law, or upon a family member moving out of the unit, the family must inform MDHA in writing within thirty (30) days. Any other additions to the family must be requested in writing and approved by MDHA's Director of Private Rental Housing or Assistant Director of Private Rental Housing or designee prior to the family member being added to the family composition as further described under 5.2, Changes in Family Composition.

Any increase in rent as a result of a rent adjustment shall be effective the first day of the month thirty (30) days after the interim re-certification. A family shall be responsible for any retroactive amounts owed as a result of not reporting income changes in a timely manner.

**B. Decrease in Family Income**

If the family experiences a decrease in income or a decrease in the source of income that will be for a period longer than thirty (30) days, an appointment for an interim review will be scheduled at the earliest possible date upon the family's request. As long as information is provided in a timely manner by the tenant, decreases in rent will be made effective the first day of the month following the month in which the change is reported and proper verification is completed.

Rent will not be adjusted as a result of a family's income decreasing if the decrease is due to a reduction in Temporary Assistance to Needy Families (TANF) due to sanctioning by the welfare agency, State of Florida Department of Children and Families. The family is entitled to a hearing should it wish to appeal such decision by MDHA not to reduce the tenant portion of the rent.

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**Chapter 16. Family Moves**

**16.1 Tenant Notice**

With proper notice, a participant family may move to another unit either within or beyond MDHA's jurisdiction at the expiration of the lease term. Moves after the initial year of the lease term are limited to one per calendar year. A second move within the same calendar year may be allowed only under hardship conditions upon the approval of MDHA. The notice to move must be in accordance with the lease, addressed to the owner with a copy to MDHA, and with a minimum of sixty (60) days in advance of the move unless otherwise agreed upon by the owner and tenant.

A family may move under the Section 8 program with a change of dwelling approved by MDHA so long as the family has not committed any actions that are grounds for termination under Chapter 24, Part I, or failed to comply with obligations under 24 CFR 982.551 and 982.553.

**16.2 Mutual Lease Termination**

A participant may move from an assisted unit, prior to the end of the first year of lease, by obtaining a Mutual Lease Termination executed by the participant, the owner and MDHA. The Housing Assistance Payments contract with the owner will be terminated by MDHA as of the date that the lease is terminated between the owner and tenant.

**16.3 Owner Responsibility on Tenant Move-Out**

The owner is required to provide a copy to Section 8 Operations of any notice to the tenant upon move-out. The notice must include a provision for, but not limited to, return of security deposit. If the tenant gives a notice of intent to vacate or executes a mutual lease termination agreement with the owner and does not move out of the unit by the date indicated, and the owner is willing to allow the tenant to remain in the unit, the owner and tenant will be required to sign a new one (1) year lease for the owner to continue to receive HAP. If the lease is not executed, then the tenant will be responsible for the entire contract rent.

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**Chapter 17. Tenant Rents and Owner Rent Increases**

**17.1 Tenant Rents**

Minimum rents imposed on tenants are in accordance with federal regulations. MDHA has adopted a minimum tenant rent of \$50.00 per month. If the family can demonstrate a long-term hardship (over ninety (90) days) in paying the minimum rent that would result in the family being evicted from the unit for its inability to pay the minimum rent, MDHA shall exempt the family from payment.

**17.2 Rent Increases**

An owner may request an adjustment to the contract rent as of the anniversary date of the HAP contract. Requests by the owner shall be in writing to MDHA and shall be made at least sixty (60) days in advance of the anniversary date in order to be effective on that date. Rent increases are subject to market rent comparability surveys that prohibit paying more for a Section 8 unit than a comparable unit on the unassisted market. If an owner properly requests a rent increase by the sixty (60) day deadline, MDHA shall advise the owner of the status of the owner's request prior to the anniversary date of the contract.

If the owner misses the sixty (60) day deadline prior to the anniversary date, MDHA will process the rent increase request in accordance to federal guidelines; the effective date of the rent rate change will occur on the later of: the first day of the first month commencing on or after the contract anniversary date or a minimum of 60 days after the request is received.

MDHA shall not grant a rent increase unless the owner has complied with obligations under the HAP contract, including compliance with the HQS for all contract units.

Because increased rent may cause the tenant's rent to increase in the Section 8 Housing Choice Voucher program, any requests for a rent increase by the owner must be signed by the tenant. The requested rent must still be reasonable as relates to comparable rents in the market and shall be determined by a rent survey.

MDHA reserves the right to suspend consideration of the rent increase requests, dependent on available funding provided for the Housing Choice Voucher Program by USHUD.

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**Chapter 18. Portability**

**18.1 Moving out of MDHA's Jurisdiction**

A participant family may move to a unit outside of MDHA's jurisdiction after being certified for the Section 8 Program so long as they are a resident of Miami-Dade County at the time of certification. If the participant family is not a resident of Miami-Dade County at time of certification, the following applies to the family during the first twelve (12) months after admission to the program:

1. The family may lease a unit within MDHA's jurisdiction
2. The family does not have any right to portability
3. MDHA may choose to allow the family to port outside the MDHA's jurisdiction
4. Both MDHA and the receiving housing authority must agree to allow the family to lease a unit outside of MDHA's jurisdiction

The residency for mobility pool members, as defined by the Decree, is considered when the member was initially certified for housing assistance under the Public Housing program, not at the time of certification for the Housing Choice voucher.

It is MDHA's policy not to allow a family to port out to any other housing agency in Miami-Dade County where MDHA has jurisdiction to administer housing assistance. Exceptions to this policy may be granted at the discretion of MDHA Director, MDHA Deputy Director or Director, Private Rental Housing.

**18.2 Absorption of Incoming Portables**

Absorption of incoming portable vouchers will be based on the following criteria:

1. MDHA must determine the family's unit size for the portable family according to MDHA's subsidy standards (24 CFR 982.355)(c)(7)
2. MDHA may make the determination to deny or terminate assistance to a portable family in accordance with Chapter 2, Denial of Assistance, and Chapter 27, Termination of Assistance, (24 CFR 982.355(c)(9). MDHA shall attempt to obtain criminal history checks, including sex offender, in the state(s) where the household members have moved from, in addition to local criminal and State of Florida ([www.flde.state.fl.us](http://www.flde.state.fl.us)) sex offender checks.
3. The same conditions apply for incoming portable families participating in the Family Self-Sufficiency (FSS) program in the PHA initiating the portability process (24 CFR 984.306)
4. Availability of assistance and funding
5. Number of incoming Portables from a specific jurisdiction
6. Possibility of swapping vouchers within a given jurisdiction

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**Chapter 19. Family Self-Sufficiency Program**

**19.1 Overview**

The MDHA Family Self-Sufficiency Program (FSS) is an employment and savings incentive program for low-income families receiving assistance under the Housing Choice Voucher Program. It was designed to encourage program participants' economic self-sufficiency and possibly homeownership via gainful employment, thereby decreasing and ultimately eliminating their dependency on welfare assistance (24 CFR Part 984). FSS consists of case management services, which are partnered with social service agencies, schools, businesses, and other organizations, to help families pursue job search training, employment, educational opportunities and supportive services; escrow accounts into which MDHA deposits the increased rental charges that a family pays as its earnings rise.

**19.2 Selection and Screening**

Family participation is voluntary and encouraged. Interested families can request information and an application. Section 8 program staff reaches out to participants of the Welfare-to-Work, Family Unification, and Homeownership programs, as well as others. Applicants may be screened for interest and motivation to attend FSS orientation sessions or pre-selection interviews and may be assigned certain tasks that indicate their willingness to meet the obligations imposed by the FSS contract of participation (COP). Any tasks assigned must be readily achievable by the family, based on its educational level and disabilities, if any. However, they cannot be screened for education, job history or performance, credit rating, marital status, or number of children, and any other factors that could result in discriminatory practices toward individuals with disabilities or those from minority or non-minority groups. Applications to the FSS Program are time dated and considered on a first come/first serve basis, as slots become available.

**19.3 Contract of Participation: Term and Conditions**

The Contract of Participation (COP) sets forth the principal terms and conditions of the program, including the rights and responsibilities of FSS families and MDHA, the services to be provided, and the activities to be completed by the head of the family and each adult family member. Family members must fulfill all requirements to obtain full benefits. The FSS contract requires that the family comply with lease stipulations, that all family members become independent of welfare assistance, and that the head of the family seek and maintain suitable employment that pays a living wage.

The COP must be executed no more than one hundred and twenty (120) days after the household's most recent annual or interim re-examination. It lists the family's current annual income, the amount of earned income included, and the family's Total Tenant Payment (TTP). During the term of the COP, increases in earned income and TTP are compared to the amounts listed in calculating escrow credits. The initial term of the COP is five (5) years; however, MDHA may grant an extension of up to two (2) years in response to a written request from the family describing "good cause." Good cause includes circumstances beyond the family's control (e.g., serious illness or involuntary loss of employment) that thwarted the family's ability to remain off of welfare assistance for twelve (12) consecutive months.

The COP is considered complete and the family's FSS participation concluded when:

1. The family has fulfilled all of its obligations under the COP on or before the contract expiration date; or
2. Thirty percent (30%) of the monthly adjusted income equals or exceeds the published FMR for the family unit size under MDHA's subsidy standards. (To claim

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its escrow, no family member can be receiving welfare as defined by the FSS regulations, but the twelve (12) consecutive months requirement does not apply.)

Although successful completion of the contract requires that no family member be receiving welfare assistance, the family may still receive rental assistance at the time of and after their successful completion of the FSS program.

**19.4 Individual Training and Services Plan**

The Individual Training and Services Plan (ITSP) identifies appropriate service needs for the head of household and each participant adult family member. Before the COP can be executed, MDHA must determine if employment goals proposed in the ITSP are appropriate, considering the participant's skills, interests, education, and jobs available in the local market. Based on these employment and personal goals, FSS Program staff refers participants to the appropriate resources and services that are needed for them to achieve their self-sufficiency goals. The ITSP establishes interim and final goals to be achieved within specific deadlines so the family's progress toward self-sufficiency can be measured.

**19.5 Services Provided under FSS**

Case management services may include, but not be limited to:

- Child care
- Transportation
- Education
- Job readiness, training, and employment counseling
- Substance/alcohol abuse treatment and/or counseling
- Household skills training
- Life skills training
- Homeownership counseling

**19.6 The Escrow Account**

A single, interest-bearing FSS escrow account is established for each participating family. An escrow credit, based on increases in the family's earned income, is credited to the account by MDHA during the term of the COP. A portion of this escrow amount can be made available to the family to complete an interim goal (e.g., education). If the family completes the terms of the COP and no member is receiving welfare assistance, the amount of the escrow account is paid to the head of the family. If the FSS contract is terminated, or if the family fails to complete it before the expiration date, the escrow funds are forfeited.



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**Chapter 20. Expanding Housing Opportunities**

**20.1 Overview**

MDHA actively recruits landlords of suitable rental units that are located inside and outside of poverty or minority concentrated areas (as defined by the Miami-Dade County Planning Department, HUD census tract data, and the most recent U.S. Census data) for their participation in the Section 8 Housing Choice Voucher program. Likewise, it provides voucher holders with a list of landlords who are participants in the program, the availability and benefits of mobility opportunities, as well as encouragement, support, and guidance on leasing rental units inside and outside of poverty or minority concentration areas. Moreover, voucher holders are briefed on the effective implementation of portability and other cooperative mobility strategies within and outside of Miami-Dade's jurisdiction. The overall objective is to encourage the availability of affordable housing and maximum geographic diversity; and the movement of voucher families into a broader range of neighborhoods including those of low poverty and minority concentration. It has been shown that when families with children move from high poverty to low poverty communities, school performance and college attendance increases, and the families benefit from reduced crime and greater employment opportunities.

**20.2 Outreach to Owners and Owner Referral Lists**

MDHA employs a variety of strategies to recruit owners of units inside, and especially outside areas of high poverty and minority concentration. For the latter group, landlords will be contacted through groups including the Fair Housing Center established by the Decree, Miami-Dade County Realtors Association, and Builders Association of South Florida. Additional strategies include, but are not limited to:

- Newsletters and semi-annual seminars that provide up-to-date information, including program changes, to current and prospective owners
- Surveys of owners are conducted to identify issues and based on the results, to improve program operation
- Periodically, MDHA engages in direct advertising in The Miami Herald, The Miami Times, and Hispanic periodicals. It also makes public service radio and television announcements
- Informational letters and flyers are posted at community organizations, neighborhood centers, churches and other places of worship; word-of-mouth leads and referrals are encouraged
- This Administrative Plan and other information on the Housing Choice Voucher program are provided on the Internet at MDHA's website so interested landlords and/or property owners can readily access information
- Success stories involving the Program and its participating families are disseminated via various media
- Membership in associations of owners/managers of rental properties
- Direct personal contact with owners

MDHA will maintain a listing by bedroom size of available rental units, including accessible units for persons with disabilities. Upon request, this list shall be made available to Section 8 participants and shall be placed in public reception areas of the Section 8 office.

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**20.3 H.O.P.E., Inc.**

In accordance with the Decree, MDHA has developed a partnership with the Housing Opportunities Project for Excellence, Inc., (H.O.P.E., Inc), a non-profit fair housing organization. H.O.P.E., Inc. provides a Mobility Pool Counseling Program to encourage Mobility Pool Members (class members of the settlement) to explore and accept offers for desegregative housing in census tracts in which no more than 65 percent of the population is the same race as the household. The Mobility Counseling Program consists of counseling and a one-day seminar, during which information is provided to empower a Mobility Pool Member to make suitable housing choices. Participation in the seminar and counseling session are pre-requisites to receiving a voucher.

**20.4 Information Assistance for Voucher Families**

MDHA will provide all new Housing Choice Voucher holders an information packet, typically distributed at the initial briefing. Maps will be provided showing areas of housing opportunities outside areas of poverty or minority concentration within its and neighboring jurisdictions, and assemble information on the characteristics of these areas (e.g., population demographics, types of housing offered, rent levels, schools, transportation, shopping, and employment options). The information is intended to introduce the family to a full range of neighborhoods where they may lease units and the advantages each offers. The maps and related information are used to brief voucher holders of the full range of areas where they may lease units. The packet requirements are as follows:

- A list of owner-landlords who are willing to lease units within and outside of poverty or minority concentrated areas, or organizations that are willing to help families find units within and outside of poverty or minority concentration areas
- A written description of how portability works and a list of contact persons for neighboring housing agencies outside Miami-Dade County (including name, address, and phone numbers) for families who move under portability
- Information about the existence and availability of units that can accommodate a family member with disabilities.

MDHA's Landlord Outreach unit periodically analyzes whether rental voucher holders have experienced difficulties in finding housing outside areas of poverty or minority concentration; if so, it also analyzes whether it is appropriate to seek approval of exception payment standard amounts within its jurisdiction and seeks HUD approval when necessary.

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**Chapter 21. Providing Information and Complaints**

**21.1 Florida Sunshine Law**

Pursuant to the State of Florida's public records law, Chapter 119 of Florida Statutes, all records generated by public entities during the normal course of business are considered public records and are open to review upon reasonable notice, unless exempted by State of Florida law or as stipulated below. A copy of this Administrative Plan shall be made available to the public at the Section 8 offices, all Team Metro offices, and posted on MDHA's website.

Requests to view a file must be made to the MDHA Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee at the Section 8 Office, or any records custodian during normal business hours. Upon requesting a file the person making the request shall be notified of the location at which the file may be accessed. Files may not be available at the time requested. If a file is not available, MDHA's Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee shall provide the requestor with the date or date/time the file will be available for viewing. MDHA's Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee shall obtain the requestor's name and telephone number to contact the requestor of any change in date and/or time the file is available for reviewing.

Copies may be requested. There will be a charge for copies in accordance with the Public Records law. Requests that require extensive staff time, or information checking resources, may have a service charge imposed. Files may not be removed from the Section 8 office or the area specified by MDHA's Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee.

In instances of families in witness protection, victims of domestic violence, families with restraining orders or other documented circumstances where the file identified information that places the family at liability, requests for reviewing such files which include addresses and other identifying information, shall be considered based on a review of the appropriateness of the requestor and individual circumstances. Approval to provide files shall be made by a Section 8 Tenant Selection Supervisor II or higher.

**21.2 Information to Owner**

A potential owner will be provided the following information about the program participant on the Owner/Agent Certification form upon request:

- The participant's current and prior address as shown in MDHA records;
- The address of the participant's current and prior landlord; and
- A statement to the effect that the Agency has not screened the family's background or suitability for tenancy with the exception of a criminal and sex offender background check in accordance with MDHA's policies. The landlord is responsible for any other screening to be completed in a non-discriminatory manner. Landlords are responsible for determining whether to conduct their own criminal background checks to decide if the family is suitable for tenancy. If the current or potential owner requests criminal background information on an applicant/tenant, MDHA may not release details of the criminal background check but may notify the owner verbally over the telephone and/or in writing whether the family is eligible for assistance.

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**21.3 Complaints**

MDHA shall promptly notify the owner of any complaints by or about the family concerning its tenancy or housing as it relates to their tenancy or the Section 8 program. Such notification shall be in conformance with Miami-Dade County Resolution 1543-97. MDHA has the right to request action by the owner and/or a response as to the resolution or outcome of the issue.

In responding to a complaint, MDHA may require the family to come to the Section 8 Office for an interview to address its concerns regarding participation in the Section 8 program.

Members of the public may file complaints against owners, tenants, and employees of the MDHA by submitting a letter describing the specific problems to:

Director, Miami-Dade Housing Agency  
1401 NW 7 Street  
Miami, Florida 33125

MDHA investigates allegations of fraud or illegal activity committed by housing program applicants and tenants. Incidents of fraud or illegal activity may be reported by calling MDHA's fraud hotline number. All calls are confidential and callers remain anonymous at all times. Additional information on MDHA's Fraud Program can be found on MDHA's website.

Except as described in Chapter 30, Fair Housing and Equal Opportunity and Grievance Procedures, all non-fair housing and ADA complaints shall be reviewed by an appropriate staff member and answered in no more than 30 calendar days. Persons filing complaints shall be informed on a regular basis as to the progress of their complaint and any decisions made by MDHA.

Persons wishing to report welfare fraud may do so by calling or writing:

Florida Social Services Department  
1317 Winewood Boulevard  
Tallahassee, Florida 37399  
(800) 342-9274

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**Chapter 22. Transfer of Ownership**

Section 14 of the existing HAP contract requires the owner to obtain the prior written consent of MDHA before any assignment of the HAP contract. In the event prior written consent was not requested nor granted, the HAP contract is terminated.

Where a transfer of ownership has been approved when a Section 8 family is residing in the unit, Section 8 Operations shall notify Accounting, by providing Accounting with a copy of the Transfer of Ownership documents upon receipt from the owner, but no later than ten (10) business days after receipt. The new owner must submit all necessary paperwork and documents to Section 8 Operations and be qualified as an owner as indicated in Chapter 24. At the time of notification, Accounting shall stop payment to the current (former) owner. If Accounting is notified independently of a transfer of ownership, it shall be responsible to verify such information with Section 8 Operations.

If there is an overlap between the transfer of ownership date and the date the payments are stopped, MDHA shall not be responsible for funds already disbursed to the former owner and Housing Assistance Payment disbursements shall be settled between the new and the previous owners.

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**Chapter 23. Foreclosure**

Any notification of foreclosure of a unit received by the housing agency shall be placed in the tenant file. A change of dwelling shall be given to the family at the discretion of the Agency. Preliminary notice of foreclosure action does not necessitate a need for the family to move. MDHA may contact the owner and/or the foreclosing party (mortgage holder) for information. Failure of MDHA to make housing assistance payments when payment is owed and due shall not be the responsibility of the family. In such cases, the Agency shall expedite payment, including remittance of emergency check to assure continued tenancy for the Section 8 family.

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**Chapter 24. Disapproval of Owners: Conditions**

MDHA shall limit, deny or terminate participation of owners in any of the following circumstances:

1. When the owner is debarred, suspended, or subject to a limited denial of participation by USHUD;
2. When directed by USHUD as a result of an administrative or judicial action in violation of the Fair Housing Act;
3. When an owner has a history of uncorrected HQS or local code violations;
4. When an owner has a history of fair housing violations or complaints;
5. When an owner has been convicted of fraud, bribery or any corrupt or criminal act in connection with any federal housing program;
6. When an owner has violated a HAP contract pursuant to the federal regulation at 24 CFR 982;
7. When an owner has engaged in any drug-related or violent criminal activity;
8. When an owner has not paid local property real estate taxes, fines or assessments;
9. When an owner has claimed homestead exemption on the assisted unit;
10. When the owner is the parent, child, grandparent, grandchild, sister or brother of any member of the participant family, unless MDHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities;
11. When the owner or a member of the owner's family, as defined by Miami-Dade County ordinance, is a County employee and has not obtained a waiver from the Ethics Commission;
12. When the owner has not paid in full all utility bills related to the tenancy of a Section 8 family that are owner responsibility;
13. When the owner has been convicted of any felony within ten (10) years prior to executing the Section 8 Housing Choice Voucher Landlord Certification of responsibility form or if the owner is subsequently convicted of a felony;
14. When an owner has a history of failing to terminate the tenancy of Section 8 tenants for activity engaged by the tenant, any member of the household, guest or other person that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants, for drug- related criminal activity; or violent criminal activity;
15. When the owner fails to execute the Section 8 Housing Choice Voucher Landlord Certification of Responsibility form.

Nothing in this Administrative Plan is intended to give any owner any right to participate in the MDHA Section 8 Program. There are no appeal rights for the Agency's decision to disapprove owner participation (24 CFR 982.306).

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**Chapter 25. Project-based Section 8**

**25.1 Overview**

**A. Overall Approach**

MDHA may designate a maximum of 20 percent of its non-targeted housing choice voucher allocation for project-based vouchers in order to administer project-based Section 8 assistance. MDHA will project-base the vouchers for newly constructed, rehabilitated or existing housing units. MDHA will enter into a housing assistance payments (HAP) contract with qualified owners to provide project-based voucher assistance in compliance with MDHA's PHA plan and consistent with the goals of deconcentrating poverty and expanding housing and economic opportunities.

**B. Program Objectives**

The project-based voucher program is intended to provide housing assistance to individuals and families, so that specific objectives can be accomplished in accordance with USHUD's regulations as follows:

1. To encourage developers or property owners, including non-profit housing development corporations, to construct standard, or to upgrade substandard, rental stock throughout the Miami-Dade County;
2. To make existing, newly constructed or rehabilitated dwelling units available to very-low and low-income persons at rents within MDHA's applicable payment standard.

Preference will be given to proposals that intend to attach project-based assistance to larger units, i.e., units with 3 bedrooms or more.

**C. Program Requirements**

At its discretion, MDHA will solicit proposals from developers, property owners and non-profit housing corporations to participate in the project-based voucher program. Project-based assistance may be attached to existing units, units to be rehabilitated and newly constructed units. In addition, a maximum of twenty-five percent (25%) percent of the units in any one building may receive project-based voucher assistance. However, single-family properties and properties designated for elderly families, disabled families, or families receiving supportive services are exempt from the twenty-five percent (25%) limit.

For the purposes of the Section 8 project-based voucher program, existing units require a maximum expenditure of less than \$1,000 per assisted unit, including a prorated share of work on common areas or systems to comply with federal housing quality standards (HQS) at the time MDHA notifies the applicant of selection. Rehabilitated units, for the purpose of the Section 8 project-based voucher program, are units that require a minimum expenditure of \$1,000 per assisted unit, including a prorated share of work on common areas or systems to comply with HQS.

All units in the building receiving project-based assistance shall be inspected for HQS, as stipulated in Chapter 10 of the Administrative Plan. MDHA shall inspect each unit on an annual basis. Only units that comply with HQS shall be included in the HAP contract.

For units undergoing rehabilitation or new construction, 24 CFR 983.6, concerning site and neighborhood standards apply. The site shall be accessible to social, recreational, educational, commercial, health facilities, and other appropriate municipal facilities and services.



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Properties to be assisted under the Section 8 project-based voucher program will be subject to the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (URA) and the requirements of 49 CFR, Part 24, subpart B.

D. Location of Project-based Vouchers

MDHA may administer the program on a county-wide basis. In compliance with the federal regulations and MDHA's Equal Housing Opportunity Plan, suitable dwelling units must be made available under the project-based voucher program in structures that are located in areas outside of low income and minority concentrations, unless a waiver is requested from and granted by USHUD.

MDHA may request exceptions of the requirement that project-based assistance be located in census tracts with a poverty rate of less than twenty percent (20%) percent, based upon the review of the proposals submitted to MDHA.

E. Administrative Approach

MDHA shall perform traditional Section 8 program administrative responsibilities associated with the implementation of the project-based voucher program. These functions include, but are not limited to, outreach, review and selection of proposals, inspections, tenant selection from the waiting list, determination of tenant eligibility, and annual recertifications, in accordance with this Administrative Plan. For applications that involve new construction or rehabilitation of units, MDHA staff will also perform work write-ups, cost estimates, and feasibility analyses.

MDHA reserves the right to solicit proposals from private concerns to perform selected administrative responsibilities in the implementation of the project-based voucher program or may contract with the property owner or developer of the project-based property for any administrative functions that are the responsibility of the housing agency.

**25.2 Administration of Project-based Program**

A. Solicitation of Owner Proposals

MDHA will solicit owner participation by advertising in three newspapers of general circulation, such as *The Miami Herald*, *Diario Las Americas* and *The Miami Times*, that proposals to attach rental assistance for specific properties will be accepted.

The advertisement will be published at least three times over a period of not less than thirty (30) days, and will include a statement that applications will not be accepted beyond the specified 30-day deadline. The advertisement will also specify the number of dwelling units the MDHA estimates that it will be able to assist under the funding MDHA is making available for this purpose and that only applications submitted in response to the advertisement will be considered. The advertisement will also state MDHA's selection policies.

For proposals requiring new construction or rehabilitation of assisted units, MDHA will establish competitive procedures for the submission of proposals, which will be submitted to USHUD for approval.

An application packet will be prepared for distribution to interested parties, and will also be made available at MDHA's Private Rental Housing administrative offices and MDHA's Central Office. The packet will contain a description of the project-based voucher program, an outline of the rules and regulations governing the project-based voucher program, the

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required contents of owner proposals, and the criteria that MDHA will use in the selection of eligible proposals.

At MDHA's discretion, additional information may be provided at pre-proposal conferences and/or workshops.

**B. Requirements for the Submission of Proposals**

The Owner's submission of the application to MDHA must contain:

1. Description of housing to be assisted, including the number of units by size (square footage); bedroom count; bathroom count; sketches of proposed new construction or rehabilitation, if applicable; unit plans, listing of amenities and services and estimated date of completion for units to be rehabilitated or constructed. For rehabilitation, the description must describe the property as is and must also describe the proposed rehabilitation.
2. Evidence of site control, and for new construction, identification and description of the proposed site, site plan and neighborhood.
3. Evidence that the proposed new construction or rehabilitation is permitted by current zoning ordinances or regulations or evidence to indicate that the needed rezoning is likely and will not delay the project.
4. The proposed contract rent per unit, including an indication of which utilities, services and equipment are included in the rent and which are not included.
5. Information concerning the occupancy status of the units to be assisted under the project-based voucher program, including applicability of permanent and temporary relocation of site occupants.
6. A certification from the Owner that there will be no displacement of residential tenants from units to be assisted under the Section 8 project-based voucher program.
7. The identity of the owner, developer, builder, architect, management agent (and other participants) and the names of officers and principal members, shareholders, investors, and other parties have a financial interest; a disclosure of any possible conflict of interest by any of these parties; and information on the qualifications and experience of the principal participants, including previous participation in any USHUD programs.
8. The Owner's marketing plan.
9. The Owner's plan for managing and maintaining the units.
- 10.. Evidence of financing or lender interest and the proposed terms of financing.
11. The proposed term of the Contract.

**C. Initial Inspection**

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Prior to the ranking and rating of proposals, an initial inspection will be performed by MDHA staff for properties included in proposals accepted for consideration of rating and ranking. MDHA will not inspect properties included in the proposals that do not meet threshold requirements for further consideration.

1. The inspection will determine if the property is eligible as defined at 24 CFR 983.7, meets federal HQS, and the occupancy status of the units to be assisted.
2. For proposals which will involve rehabilitation, the inspection will also determine if the property can be rehabilitated without causing displacement of residential tenants from units to be assisted, will identify the rehabilitation work meets the minimum \$1,000 per unit requirement and if the specific work items will bring the units in compliance with HQS.
3. For proposals in which there will be new construction, the inspection will determine that construction work has not begun.
4. Should MDHA discover as a result of the initial inspection, that the proposal does not meet program requirements, the owner will be informed in writing of the reasons for the rejection.

**D. Rating and Ranking of Proposals**

The rating and ranking of proposals will be performed by MDHA staff. With regard to the initial screening of proposals, the criteria that will be utilized to determine whether a proposal should be rejected without further review or accepted for further consideration of rating and ranking will include:

1. Receipt of the proposal by the date and time as specified in the advertisement
2. Receipt of the proposal in the proper format, including submission of all specified forms with all of the entries completed as required
3. Proposals that indicate gross rents will exceed 110% of MDHA's payment standard, or which clearly indicate that the proposed project is infeasible, will be rejected
4. Proposals involving ineligible properties or housing types identified in 24 CFR 983.7 will be rejected.

Proposals will be evaluated based on the factors determined by MDHA to rate and rank proposals. Among the factors to be considered in the ranking and rating of proposals include: suitability of the site to accommodate the number and type of units proposed for assistance, including environmental and health and safety concerns; design elements, with preference to proposals that offer larger units to be assisted; experience of the owner and other participants in providing affordable housing; plan for the relocation of current residents, if applicable; and financial feasibility of the project.

For proposals that involve new construction or rehabilitation of units, additional factors will be considered: the estimated cost per unit of construction or rehabilitation, and the experience of the owner and other participants in construction or rehabilitation of rental properties in accordance with USHUD regulations.

5. Notification to Owners

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Proposals that have been received in response to MDHA's advertisement which comply with all of the prescribed selection criteria and procedures and are deemed feasible will be rated and ranked in accordance with MDHA's written policies. The Owners who submitted the highest ranked feasible proposals will be sent a written Notice of Acceptance stating the tentative number of units to be assisted.

**25.3 Agreement to Enter into Housing Assistance Payments (AHAP) Contract**

**A. Pre-Agreement Process**

For proposals in which there will be rehabilitation or new construction, owners shall have sixty (60) days in which to complete required actions before an Agreement to Enter into a Housing Assistance Payments (AHAP) Contract can be signed.

Prior to the AHAP execution for rehabilitation projects, the actions required are: preparation of detailed work write-ups, cost estimated, specifications and plans, as appropriate, depending upon the nature of the nature of the identified rehabilitation. Davis-Bacon wage rates are applicable for those buildings containing nine (9) or more units. The work write-ups must address the specific work items identified to meet the \$1000 per assisted unit rehabilitation requirement as well as the work items that are needed to bring each unit to be assisted up to the Section 8 Housing Quality Standards.

Prior to the AHAP execution for new construction units, the USHUD shall review Owner proposals which are submitted by MDHA for compliance with site and neighborhood requirements set forth in at 24 CFR 983.6. Davis-Bacon wage rates are applicable for those buildings containing nine (9) or more units. In addition, the Owner must submit the design architect's certification that the proposed new construction reflected in the working drawings and specifications comply with HQS, local codes and ordinances, and zoning requirements.

**B. Selection of Contractor**

Owners are responsible for the selection of a competent contractor to undertake the new construction or rehabilitation work under the Agreement to enter into a Housing Assistance Payments (AHAP) Contract.

The owner, contractor and his/her subcontractors are subject to Section 3 of the Housing and Urban Development Act, as amended in 1968, and the regulations at CFR part 135, which requires that training, employment and contracting opportunities be provided, where feasible, to low-income Section 3 residents. MDHA's Quality Assurance and Compliance Division shall provide oversight and assistance regarding the owner's responsibility under Section 3.

**C. Uniform Federal Accessibility Standards: Section 504 and Fair Housing Act**

The owner and his/her contractors and subcontractors are subject to compliance with Section 504 of the Rehabilitation Act (24 CFR part 8) requiring compliance with Uniform Federal Accessibility Standards requirements for persons with disabilities and the Fair Housing Amendments Act (24 CFR part 100). MDHA's construction unit will coordinate Section 504/ADA requirements through MDHA's ADA Coordinator's office.

**D. Execution of the Agreement**

When all required pre-Agreement procedures have been satisfactorily completed, the Agreement to enter into a Housing Assistance Payments (AHAP) Contract shall be executed. The AHAP must be executed before the start of any new construction or rehabilitation to be performed under the AHAP. Under the AHAP, the Owner agrees to

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construct the units in accordance with the MDHA approved working drawings and specifications or to rehabilitate the units in accordance with the MDHA approved work write-ups.

**25.4 New Construction or Rehabilitation Phase**

**A. Timely Performance of Work**

Immediately following the execution of the AHAP Contract, the Owner shall promptly proceed with the construction or rehabilitation work as provided in the Agreement. In the event the work is not so commenced, diligently continued, or completed, MDHA may terminate the Agreement or take other appropriate action.

**B. Inspections**

MDHA shall conduct periodic inspections during the new construction or rehabilitation phase to ensure that work is proceeding on schedule and is being accomplished in accordance with the terms of the AHAP. Inspections shall be performed at such intervals so as to ensure that the work meets the levels of materials specified in the work write-ups or working drawings and specifications, and meets typical levels of workmanship in the area.

**C. Changes to Work**

Owners must obtain prior approval from MDHA for any changes from the work specified in the Agreement that would alter the design or quality of the required new construction or rehabilitation. If the Owner makes any changes without the prior approval of MDHA, MDHA may request USHUD to lower the initial Contract Rents in the amount determined by USHUD, and may require the Owner to remedy any deficiencies, prior to, and as a condition for, acceptance of the units. MDHA shall have the right to disapprove any changes requested by the Owner.

**D. Completion of New Construction or Rehabilitation**

The Owner must notify MDHA in writing when the work is completed and submit evidence of completion. Among the documents the owner must submit is a Certificate of Occupancy or other official approvals required by the locality and a certification that the work has been completed in accordance with the requirements of the AHAP.

MDHA will conduct a final inspection to verify the completion of all the work items required by the AHAP and a determination regarding compliance with Section 504/ADA/ Fair Housing Act disability regulations, HQS and the South Florida Building Code. If MDHA determines from the review and inspection that the unit(s) has been completed in accordance with the AHAP, MDHA shall accept the units(s).

If there are any items of delayed completion that are minor items or that are incomplete because of weather conditions, and in any case that do not preclude or affect occupancy, and all other requirements of the AHAP have been met, MDHA shall accept the unit(s); however, MDHA shall require the Owner to deposit in escrow with MDHA, funds in an amount MDHA determines to be sufficient to ensure completion of the delayed items. In addition, the Owner and MDHA shall execute a written agreement, specifying the schedule for completion of these items. If the items are not completed within the agreed time period, MDHA may terminate the AHAP Contract or exercise other rights under the AHAP Contract.

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**25.5 Housing Assistance Payments (HAP) Contract**

A. Time of Execution

MDHA and the Owner shall execute the Housing Assistance Payments (HAP) Contract if MDHA determines from review and inspection that the unit(s) has been completed in accordance with the Agreement and the Owner has submitted the required evidence of completion as set forth herein. The effective date of the Contract may not be earlier than the date of MDHA's inspection and acceptance of the unit(s).

B. Term of Contract

The HAP contract shall have a term no greater than ten years, subject to available funding. At the discretion of MDHA and for a term determined by MDHA, extension to the contract may be granted beyond the original term, contingent upon continued funding to achieve long-term availability of affordable housing for eligible households and/or to expand housing opportunities.

C. Initial Contract Rents

The HAP contract shall establish contract rents that will not exceed 110 percent of the Fair Market Rent (FMR) and will be the lowest of the reasonable rent or the rent requested by the owner. The initial Contract Rent must be reasonable in relation to rents currently being charged for units in the private unassisted market, taking into account the location, size, structure type, quality, amenities, facilities, and management and maintenance service of the unit.

If the property has been allocated low-income tax credits, but it is not located in a "qualified census tract", the rent to owner must not exceed the lowest of: the tax credit rent minus any utility allowance, the reasonable rent or the rent requested by the owner.

D. Contract Rent Adjustments

The HAP contract allows for adjustments in contract rent during the contract term and such adjusted rents shall be reasonable.

E. Vacancy Payment

If a unit becomes a vacant as a result of a tenant moving out, MDHA shall continue to provide assistance for the unit for up to a maximum of sixty (60) days. Such payment will be made only if the vacancy is not a result of the owner's failure to take reasonable action to minimize such vacancies.

F. Reduction of Contract Units after Vacancy

If no eligible family rents a vacant unit with one hundred and twenty (120) days of the vacancy, MDHA may terminate its commitment to make additional assistance payments for the unit for the balance of the HAP contract.

**25.6 Management Phase**

A. Family Selection and Participation

The selection of tenants for the Section 8 project-based voucher program will be consistent with the procedures detailed in Chapter 2 of the Administrative Plan.

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An applicant who rejects an offer of a projected-based unit or who is rejected by the owner of the housing unit will remain in the same position on the tenant-based assistance list, as if the offer had not been made.

If a dwelling unit to which assistance is to be attached under the Section 8 project-based voucher program is occupied, MDHA must determine whether the unit's occupants are eligible for assistance. If a unit is occupied by an eligible family and the unit is selected by MDHA, the family must be placed in an appropriately size project-based assisted unit in the project without requiring the family to be placed on MDHA's waiting list.

In the event that there is an insufficient number of eligible persons on the waiting list, MDHA shall place applicants referred by the owner on the waiting list. Eligibility for selection in the Section 8 project-based voucher program shall be consistent with MDHA's tenant-based and project-based assistance programs.

Should a family elect to move from a unit assisted under the Section 8 project-based voucher program after the initial year, MDHA must provide the family with a Housing Choice Voucher. If no vouchers are available to the family, MDHA must give the family priority to receive the next available tenant-based voucher.

**B. Briefing of Families**

When a family is selected to occupy a unit under the program, MDHA shall provide the family with written information concerning the tenant rent and any applicable utility allowance. The information conveyed at the briefing will include, but not be limited to:

1. Family and owner responsibilities,
2. That the subsidy is tied to the unit and the family must occupy an approved unit under the program,
3. The likelihood of the family receiving a Section 8 Housing Choice voucher after the HAP contract expires,
4. The family's options under the Section 8 project-based voucher, program, if the family is required to move because of a change in family size or composition, and
5. Hearing procedures, including a description of the circumstances in which MDHA is required to provide the opportunity for an informal hearing and of the procedures for requesting a hearing.

**C. Lease Requirements and Termination of Tenancy**

The lease between the family and the owner shall be for one year, or the remaining term of the HAP contract, if the contract will expire within one year.

The lease may contain a provision permitting the family to terminate the lease on not more than sixty (60) days advance written notice to the owner. In the case of a lease term for more than one year, the lease must contain a provision permitting the family to terminate the lease on not more than sixty (60) days advance written notice to the owner after the first year of the term.

**D. Informal Hearing and Review**

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The regulations at 24 CFR 982.554 and 982.555 regarding informal reviews for applicants and informal hearings for participants, apply to this program. See Chapter 29 for MDHA's informal review and hearing procedures.

**E. Overcrowded and Under Occupied and Accessible Units**

If MDHA determines that a family is occupying an overcrowded, undercrowded, or a unit will accessibility features that the family does not require, and the unit is needed by a family that requires the accessibility features, MDHA must notify the family and the owner of this determination and MDHA's offer of continued assistance.

The continued assistance offered may be:

- 1) Project-based voucher assistance in an appropriate size-unit (in the same building or another building);
- 2) Other project-based housing assistance;
- 3) Tenant-based rental assistance under the voucher program
- 4) Other comparable public or private tenant-based housing assistance

The determination of the offer of continued assistance will be at the discretion of the MDHA Director, MDHA Deputy Director or Director, Private Rental Housing, or designee. However, if MDHA offers the family the opportunity to receive tenant-based rental assistance under the voucher program, MDHA must terminate assistance payments for the project-based unit at the expiration of the term of the voucher.

If MDHA offers the family the opportunity for another form of continued housing assistance, except for tenant-based voucher assistance, and the family does not accept the offer, does not move out of the PBV unit within a reasonable time, or both, MDHA must terminate the housing assistance payments for the project-based unit.



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**Chapter 26. Homeownership under Section 8**

**26.1 Overview**

MDHA shall administer and offer a homeownership program as allowed under 24 CFR 982.625 through 982.641 to permit eligible Section 8 Housing Choice Voucher recipients to purchase a home using the voucher subsidy. With the competitive rental market and increasing need for affordable housing in Miami-Dade County, the establishment of a Section 8 Homeownership program will create a larger selection of housing choice which eligible Section 8 families can use.

MDHA shall oversee the Section 8 Homeownership program, hereafter referred to as the Homeownership program. MDHA shall determine eligibility of families and enforce the federal regulations regarding Section 8 homeownership and its administrative plan rules.

The goal of the program is to provide homeownership opportunities, along with counseling, self-sufficiency training and support, thereby facilitating economic opportunity within communities while providing parameters to ensure the success of the Section 8 homebuyer. This program is designed to minimize default of the Section 8 homeowner, which would have a negative impact on the family and the neighborhood where the unit is located and would enhance economic opportunity for families eligible for such a program.

Private Rental Housing (PRH), which administers the Section 8 program, shall be responsible for the overall management of the Homeownership program. Private Rental Housing shall perform outreach activities to identify and facilitate the participation of Section 8 families in homeownership. Families initially screened and certified eligible by PRH will be referred to the Development and Loan Administration Division (DLAD), for mandated homebuyer counseling and home mortgage assistance. DLAD, which administers MDHA's home mortgage programs, shall be responsible for providing second mortgage financing, if needed, qualification determination, and counseling and training. Together these operations will ensure the successful implementation and administration of the Homeownership program.

MDHA implements a wide range of housing programs designed to enhance housing opportunities for low and moderate-income families, including homeownership for first time homebuyers. MDHA's experience in homebuyer opportunity programs dates back to 1984.

A maximum of 10 percent of the Section 8 voucher allocation inventory shall be targeted for homeownership. The percentage may be amended based on the success of the program and need of Section 8 families. Upon authorization by USHUD, MDHA may opt to administer other types of Section 8 homeownership programs using the housing subsidy, including but not limited to an alternative down payment assistance program.

**26.2 Eligibility of Family**

Family eligibility shall be:

1. A family assisted under the homeownership option may be a newly admitted or existing participant in the program;
2. The family must be currently in good standing with the housing agency, including no outstanding debt to MDHA for previous housing quality standard damages or unpaid rent;
3. The family must be in compliance with the current lease;

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4. The family shall not have tenant responsible housing quality standards violations existing in the unit which have not been corrected within the time provided by the Section 8 Inspections office;
5. The family shall not have a history of late rent payments;
6. The family must be a first time homebuyer and not have any member of the immediate family owning a home for a minimum of three years prior to receiving the homeownership assistance. A displaced homemaker or single parent who owned a home with a former spouse is exempt from this requirement;
7. The family must not have any financial interest in any other home while receiving Section 8 assistance;
8. The family must not have any outstanding debts which would deem them unqualified for home financing;
9. Any family member must not have been previously assisted under MDHA's homeownership program while an adult and defaulted on a mortgage obtained through a MDHA homeownership program; and
10. The family must be income eligible and have at least one adult family member who is employed full time year round for a minimum of one year. Families with an adult family member who is disabled or elderly shall be exempt from the employment requirement.

Families currently enrolled in the Family Self-Sufficiency Program shall be encouraged to participate in Section 8 homeownership.

**26.3 Income Requirements**

Homeownership through Section 8 will be offered to Section 8 households having acceptable credit to the lender. Those families without acceptable credit shall be allowed ample time to clear credit while completing other requirements as defined herein, in order to participate.

Exceptions shall be made on a case-by case basis by the Director, Private Rental Housing or his/her designee regarding time limits or other policies to help facilitate usage of the Section 8 Voucher for homeownership as a realistic goal.

Eligible families must demonstrate that the monthly income for the head of household and/or spouse/partner is sufficient to meet homeownership guidelines and other family expenses for initial qualification for the program. At least one adult member of the household must be currently employed on a full-time basis, or not less than thirty (30) hours per week, and at must have been continuously employed full-time for the year before receiving homeownership assistance, with the exception of elderly or disabled families.

Except for disabled families, a family must have a minimum annual income of not less than the federal minimum hourly wage multiplied by 2000 hours (currently \$10,300). The current amount of \$10,300 may change when the minimum wage changes as defined by 24 CFR 982.627 (c) (i). Except in the case of an elderly or disabled family, MDHA shall not count any welfare assistance received by the family in determining the annual income (24 CFR 982.627 (c) (i). For an elderly or disabled family, welfare assistance for the adult family members who will own the home will be included for determining if the family meets the minimum income requirement. For disabled families, the minimum annual income is the monthly SSI benefit for an individual living alone (or paying his or her share of food and housing costs) multiplied by 12. Full time employment records must be submitted and reviewed as part of the qualification process. Families interested

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in the program will have their income eligibility determined by Section 8. Once determined initially eligible, the family shall be referred to MDHA's Section 8 designated homeownership administrator for an initial briefing regarding the program.

**26.4 Income and Credit Verification**

The Homeownership program shall use the Section 8 definition for income, which is based on annual income. Annual income is the gross amount of income anticipated to be received by all adults in a family (excluding full-time students and authorized live-in aides) during the twelve (12) months following the effective date of the determination. MDHA's non-federal funding will be utilized for second mortgage financing which allows for income averaging for the prior two years for candidates that are selfemployed, earn commission, tips or overtime.

When the homeownership case is sent to MDHA's DLAD designated Section 8 homeownership staff will conduct an Enterprise Income Verification (EIV) as described under Chapter 7.5.

Applicants' income will be verified using the following one or more documents:

- Last two pay stubs from employer and past two years tax returns
- If self-employed, past two years tax returns will be required and a profit and loss statement as of the date of application
- Verification of employment
- Any other source of income that can be readily verified, i.e., Social Security, SSI (SSI income may be subject to federal restrictions, which may limit their use), pension retirement, and child support
- Any other form of verification as required by funding

In addition to federal income tax returns, the number of household occupants shall be verified using any one or more of the following items:

- Birth certificates on which the parent/applicant's name is listed
- School records which give the parent's name and address
- Court-ordered letters of guardianship/adoption
- Copy of recorded divorce decree and property settlement

A credit report will be generated and at the option of MDHA, staff will complete a home visit.

**26.5 Homebuyer Education and Counseling**

As a requirement of the program, the family must attend and complete homeownership education and counseling. Once MDHA determines eligibility, the Section 8 participant is required to participate in the counseling regarding purchasing and financing a home. MDHA contracts with several homebuyer counseling agencies to provide homeownership training to all low income population groups in Miami-Dade County in English, Spanish, and Creole. The normal homebuyer training curriculum requires a minimum of an eight hours course and an original certificate of completion or certified copy must be part of the loan application.

The counseling shall include such issues as types of financing, how to find appropriate financing, fair housing practices, credit counseling, budget and money management, how to locate a home, selecting a neighborhood including consideration of schools, employment and transportation, how to negotiate a purchase price, and home maintenance. Through counseling, the family will also be encouraged to consider the advantage of purchasing a home in deconcentrated areas.

Post purchase counseling shall also be afforded to assure the success of the Section 8 family once they assume homeownership.

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**26.6 Eligible Housing**

Eligible Section 8 voucher families as defined in Chapter 26.2 participating in the Homeownership program may purchase a home using federal housing assistance. Section 8 assistance may be used to purchase an existing home or a new home under construction, as defined as a home where the foundation has been completed with footings in place. The following housing is eligible:

1. A newly constructed single family or town home (never lived in),
2. An existing single family home or town home,
3. A single family home or town home under construction,
4. A condominium,
5. A cooperative,
6. Twin home (one-side only)
7. Manufactured home meeting the Florida Building Code minimum requirements for construction must have a permanent foundation and a 40-year lease.

Eligible properties to be acquired may be owner-occupied or vacant. Under no conditions will the property be sold to an applicant if the acquisition triggers the relocation requirement.

The maximum purchase price of eligible properties shall be reviewed annually. Various funding sources may have requirements regarding maximum purchase price.

**26.7 Loan Qualification and Application Process**

Homeownership loans to applicants allow for the following ratios:

Funding Source	First mortgage lender
Monthly housing expense-to-income	33 percent
Monthly total obligations-to-income	45 percent

Exceptions to the total obligations-to-income ratio may only be made by the MDHA Director or designee on a case-by-case basis, when compensating factors exist. Participating lenders should bring the ratios as close to the maximum as possible.

Section 8 families interested in purchasing a home may do so by purchasing a new home from a developer in the County's affordable loan program, or purchase a home, as defined in Chapter 26.6 in the open market utilizing a participating lender.

MDHA's PRH provides each Section 8 family with a pre-qualification letter and DLAD provides the Section 8 family with an affordability study indicating the maximum dollar value of the home to be purchased using the voucher. Once a home is selected, all homebuyers must be approved by a qualified lender. Once the lender takes an application and provides a loan commitment, the lender will forward a copy of the loan file to the housing agency on behalf of the Section 8 family in order to reserve the required secondary mortgage financing, if needed.

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Upon completion and processing of the loan by the lender and MDHA, the loan is scheduled for closing by the lender. At the Department Director's discretion, MDHA may provide first mortgage financing in limited instances upon the recommendation of the DLAD staff.

**26.8 Housing Search**

After pre-qualification, the Section 8 family will be advised they have a period of one hundred and twenty (120) days to locate a home for purchase. Upon initial selection of a unit, the family will be allowed an additional one hundred and twenty (120) days to secure financing and close on the chosen property. During this time, the family shall be allowed to continue to use their Section 8 voucher for rental assistance. At the option of MDHA, due to reasonable documented circumstances, time limitations may be extended or revised on a case-by-case basis.

Should the family be unable or unwilling to complete the purchase of a home through the Section 8 Homeownership program, the family may continue to use their Section 8 voucher of rental assistance, so long as they continue to be eligible and comply with MDHA policies, as contained in this Administrative Plan, and federal housing regulations.

**26.9 Down Payment Requirement**

The required down payment is three percent (3%) of the purchase price. One percent (1%) must come from the applicant's own funding. The family may be eligible and seek additional funding for down payment and closing costs as assistance to low-income families.

**26.10 Program Requirements**

Once a family purchases the unit, the family must use the property as their primary residence which will be reflected in the mortgage documents. The family must comply with all mortgage requirements. At the option of the housing agency, the homebuyer may be requested to attend and complete additional homeownership counseling and training.

Ownership must be in fee simple title, a 99-year leasehold interest, or ownership or membership in a cooperative. In cases of a 99-year leasehold interest, the remaining lease term must equal the term of the loan.

Annual recertification for Section 8 by the family is required, for as long as Section 8 assistance is being provided.

Limitation of homeownership assistance will be a maximum of fifteen (15) years for a home purchased with twenty (20) or more years financing from the date of the first homeownership housing assistance payment and a maximum of ten (10) years in all other cases. If the family qualifies as elderly or disabled upon commencement of the homeownership assistance, there is no time limit by which the family may receive such assistance.

DLAD may provide second mortgage financing to Section 8 Homeownership Program participants. DLAD regulations require that applicants obtain thirty (30) year first mortgage financing from a first mortgage lender in order to obtain the secondary financing.

Families who seek and purchase another house under the program with continued homeownership assistance, the maximum term commences upon the date of purchase of the first home,

MDHA shall encourage Section 8 participants to establish and maintain a savings, credit union, or other type of investment account at the time of the loan closing. The purpose of this account will be to generate a reserve fund for necessary maintenance, replacement or repair needs.

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Accounts would then be withdrawn as needed for the home. MDHA reserves the right to establish such accounts on behalf of the homebuyer.

**26.11 Housing Assistance Payments**

The family's Section 8 monthly housing assistance payment will be the lesser of the Section 8 payment standard minus the total tenant payment (TTP) or the monthly homeowner expenses minus the TTP. MDHA will annually re-examine the family's income and family composition and make appropriate adjustments to the amount of the monthly housing assistance payment.

Homeownership expenses include principal, interest, applicable taxes and insurance on mortgage debt, refinancing charges of mortgage debt, and the MDHA determined utility and maintenance allowances. Other housing expenses that may be incurred by the family include but are not limited to condominium maintenance fees.

Rent adjustments to compensate for increases in escrowed funds, i.e. taxes, insurance, and homeowner association fees, will be considered by the Agency on a case-by-case basis. Similarly, families who have lost their employment will be considered for a rent adjustment on a case-by-case basis. Disabled and elderly families who require adjustments to compensate for such increases will be granted rent adjustments.

If a family's income increases to a point that they are not eligible to receive a housing assistance payment, eligibility for such payments will continue for one hundred and eighty (180) calendar days. At the end of a continuous period of one hundred and eighty (180) days, eligibility for Section 8 assistance will automatically terminate.

To assure the timely mortgage payment, MDHA's loan servicing unit will issue the monthly mortgage payment to the first lender. The family shall be responsible for remitting the TTP of the payment to the loan servicing unit by the first of each month along with the housing assistance payment disbursed to loan servicing.

If the housing assistance payment is greater than the mortgage payment and taxes and insurance escrow payments, the difference will be paid to the family.

**26.12 Financing and Payments**

First mortgage financing must meet current lending standards, including Federal National Mortgage Corporation "Fannie Mae" and Federal Home Loan Mortgage Corporation "Freddie Mac". First mortgages shall be offered by a participating lender at prevailing market rates.

MDHA shall reserve the right to determine whether the Section 8 family can afford the proposed financing. In order to protect the family and to meet the parameters of the financial arrangement by the family, the Homeownership program will prohibit any financing which includes balloon payments, variable interest rates, or private seller financing.

For those homebuyers who are FSS participants, MDHA shall encourage these families to utilize their escrow balance to assist with the down payment and closing costs of the home purchase as well as the capitalization of the escrow reserve. Escrow withdrawals will be permitted for the purchase of required home appliances and for necessary home improvements and repairs, only if the family has fulfilled established interim goals and requires a portion of the FSS escrow for purposes consistent with the contract of participation. Such releases from the FSS escrow reserves will be at the discretion of the Agency.

The amount of the monthly homeownership assistance payment shall include principal, interest, taxes and insurance and, if applicable, homeownership association fees and maintenance allowance, the allowance for cost of major repairs and replacements and the applicable utility

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allowance. This payment will be the lower of the payment standard less the total tenant payment or the family's monthly homeownership expenses minus the total tenant payment. The total tenant payment will not exceed thirty percent (30%) of the family's gross monthly income, taking into consideration allowances and deductions permitted by regulation.

Second mortgage loan payments may be interest deferred, principal only. Deferred loans may be given to Section 8 families on an as needed basis.

**26.13 Inspections Requirements**

In accordance with the federal housing regulations and MDHA loan policies, inspections of the property will be conducted prior to the approval for purchase of the home. An inspection by the Section 8 Inspections Office will be conducted for compliance with federal housing quality standards.

A second inspection must be an independent professional home inspection conducted by an independent inspector. The cost of this inspection must be borne by the Section 8 family. If the homebuyer is a participant in the FSS program, this inspection may be paid from funds in their FSS escrow account. The inspector shall be certified by the American Society of Home Inspections. Such inspection shall require the inspector to develop a written list of items that are likely to need replacement or repair within the next one to three years. Such an inspection shall include, but not be limited to, cover the major building systems and components, including the foundation and structure, the house's exterior and interior, roofing, plumbing, electrical and air-conditioning/heating systems.

These inspections shall be performed before closing of all units with the Section 8 Homeownership program. MDHA retains the right to disqualify the unit for inclusion in the Homeownership program, based on the inspections.

In addition, on newly constructed properties funded through Miami-Dade County, the County will provide random inspections during the construction of the home and detailed final inspections prior to the placement of the first and/or second mortgage. Environmental clearances will be required when using federal funds.

**26.14 Insurance Requirements**

Title insurance will be required. In the case of the Section 8 family, the costs for title insurance shall be included in the closing costs. Property insurance must be secured by the homebuyer to cover the full loan amount. The cost for the insurance may be included in the loan amount.

The family shall obtain and maintain hazard, flood and windstorm (if required) insurance, at minimum, in the amount of all financing (first, and if necessary second and subsequent mortgages). The family should be responsible for obtaining such insurance. If MDHA has financed any portion of the loan, MDHA must be listed as a loss payee.

The lender has the responsibility to determine and document whether the unit is in a flood hazard zone. It is the responsibility of the family to insure units in flood zones for flood damage.

**26.15 Sales Contract**

Section 8 families purchasing a home through the Homeownership program must complete a contract of sale with the owner of the property to be purchased. The unit must be substantially built before the contract is executed. The contract must include the price of the unit, terms of sale, the purchaser's inspection requirements, and notice that the sale is condition on the

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purchaser's acceptance of the inspection reports, and include an agreement that the purchaser is not obligated to pay for necessary repairs.

The contract must also provide a certification from the seller stating the seller has not been debarred, suspended or subject to a limited denial of participation by USHUD.

**26.16 Family Obligations**

Before closing, the family must execute a statement of homeowner obligation in a form prescribed by the housing agency. To receive homeownership assistance, a family must comply with the following obligations:

1. The family must comply with the terms of the mortgage securing debt incurred to purchase the home;
2. For as long as the family is receiving homeownership assistance, the family may not sell, convey or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home, without MDHA's knowledge and approval;
3. The family must supply required information regarding income and family composition in order to correctly calculate total tenant payment and homeownership assistance;
4. The family must provide information on any mortgage or other debt incurred to purchase the home and any refinancing of such debt and any sale or other transfer of any interest in the home;
5. The family must notify MDHA if the family defaults on a mortgage securing any debt incurred to purchase the home;
6. The family must notify MDHA before the family moves out of the home;
7. The family must, at annual recertification, document that he or she is current on all housing related payment include mortgage, insurance and utility payments;
8. The family cannot refinance without the authorization of MDHA;

**26.17 Portability**

Families that are determined eligible for homeownership assistance may exercise the homeownership option outside of MDHA's jurisdiction if the receiving housing agency is administering a Section 8 Homeownership program and is accepting new families into the receiving housing agency's homeownership program.

**26.18 Default and Termination of Assistance**

If the family fails to comply with its family obligations as set forth in federal regulation or in this administrative plan, the family may be terminated from Section 8 homeownership assistance. Federal regulations further require the housing agency to terminate homeownership assistance for any family that is dispossessed from the home pursuant to judgment or foreclosure.

If the family defaults on the mortgage, the family will have their Section 8 housing voucher withdrawn and no new voucher will be issued for either homeownership or rental assistance.



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Exceptions to this policy shall be reviewed on a case-by-case basis, particularly as it relates to income loss of the family.

**26.19 Continuation of Assistance**

A homeownership family may purchase another home with Section 8 assistance provided there is no mortgage loan default and the family is in compliance with the statement of homeowner obligations.

**26.20 Down Payment Assistance and Other Program Issues**

MDHA shall consider and implement other homeownership program rules as promulgated by USHUD, including but not limited to use of housing assistance payment funding for down payment assistance.

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**Chapter 27. Termination of Assistance**

**27.1 Grounds for Termination of Assistance**

- A. Section 8 housing is a scarce resource and MDHA holds the position that Section 8 families must be held accountable for their actions as it relates to their tenancy under Section 8. MDHA shall terminate assistance for a participant family, including Section 8 Moderate Rehabilitation tenants (where applicable), on any of the following grounds:
1. If the family violates any family obligation stipulated in federal housing regulation under the program;
  2. If the family fails to sign and submit consent forms;
  3. If any family member participates in One Strike Policy violations, specifically drug-related or violent criminal activity, including sex offenders. MDHA shall consider the following:
    - a. MDHA shall terminate assistance if a family member has engaged in One Strike Policy activity with a disposition of the charge as either:
      - Guilty
      - Guilty/convicted
      - Nolo Contendre
      - Convicted
      - Fined
      - Adjudicated
      - Adjudication withheld
    - b. Where the family has no pre or post pattern of repeated engagement in criminal activity and the disposition of the One Strike Policy offense is dropped, nolle prosequere, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, the family shall not be recommended for termination of assistance.
    - c. Open cases shall be held pending final disposition. Upon a disposition from the court, MDHA shall either recommend termination or take no action based on the outcome as defined above.
    - d. In circumstances where the family member admits to the crime, whether or not an arrest, charge, or conviction takes place, the family shall be recommended for termination based on the admission.
    - e. Except as stipulated under Paragraph B. Mitigating Circumstances, MDHA shall recommend termination for One Strike Policy violations that includes, but is not limited to, battery, rape, robbery, murder, assaults, threatening the livelihood of others, as follows:
      - i. MDHA shall recommend terminating assistance for the following violent criminal activities within ten years from the date of arrest, except violent sex-related offenses described under 3 e. iii below:
        - first or second degree murder
        - kidnapping
        - arson

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- violent sex-related offenses, including but not limited to rape, sexual assault, sexual battery, or child molestation
- ii. MDHA shall recommend terminating assistance within five years from the date of the arrest for manslaughter, sex offenses, except sex offenses described in 3. a. above and 3.c. below.
- iii. MDHA shall terminate assistance permanently for any member of the household subject to a lifetime registration requirement under a state sex offender registration program, as registered on the Florida Department of Law Enforcement website ([www.fdle.state.fl.us](http://www.fdle.state.fl.us)).
- iv. If any household member is currently engaged in any illegal use or possession of a drug within one year or within five years from date of arrest if a pattern of illegal use or possession of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. (24 CFR 982.553(b)(1)(i)(A) and (B).
- v. If MDHA determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing (24 CFR 982.553 (b)(1)(ii)).
4. If any family member has participated in other criminal activity (non-violent) within three years from the date of arrest that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity, as provided by 24 CFR 982.553(b)(2) and 982.551(1);
  5. If any family member is fleeing to avoid prosecution, custody, or confinement after conviction, for a crime or an attempt to commit a crime that is a felony.
  6. If any family member violates a condition of probation or parole imposed under federal or state law.
  7. If any member of the family has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program within ten years from the date of the act;
  8. If the family currently owes rent or other amounts to MDHA or to another housing authority in connection with Section 8 or public housing assistance under the 1937 Act;
  9. If the family has not reimbursed any housing authority for amounts paid to an owner under a HAP contract for rent, damages to the unit or other amounts owed by the family under the lease;
  10. If the family breaches an agreement with MDHA to pay amounts owed to MDHA or amounts paid to an owner by MDHA;
  11. If a family participating in Family Self-Sufficiency (FSS) fails to comply, without good cause, with the FSS contract of participation;
  12. If the family has engaged in or threatened abusive or violent behavior toward MDHA personnel;

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13. If the family has made threatening behaviors to others or has failed to maintain the property or caused severe damage to the unit;
14. If the family fails to pay utilities pursuant to his/her responsibility as stipulated in the lease;
15. If the family repeatedly breaks obligations under the lease or for serious violations of the lease;
16. If a welfare-to-work (WTW) family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program (24 CFR 982.552)(c)(x);
17. If MDHA determines that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants within three years of the abuse (24 CFR 983.553(b)(3)).
18. Any other grounds for termination permitted by USHUD.

**B. Mitigating Circumstances**

The factors below will be taken into consideration, as well as the family's pre and post criminal history. If a tenant asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, MDHA shall evaluate the evidence and verify the mitigating circumstance in accordance with MDHA's Reasonable Accommodation Policy and Procedures document included under Attachment C of this Plan. Providing documentation of mitigating circumstances as described below is the responsibility of the family. It is incumbent upon the family to provide documentation, evidence and any and all other third party proof at any time including but not limited to the investigation interviews, appointments with MDHA staff, at time of the hearing or within the time limit set by the hearing officer to provide substantiating information challenging the recommendation to terminate assistance.

**1. Request to Remove Family Member with One-Strike Policy Violation**

If a participating Section 8 family notifies MDHA and advises of any criminal activity that is in violation of the One Strike Policy as described in Chapter 27.1 (A) 3, of a family member or if MDHA determines a violation of the One Strike Policy or other criminal activity as described within this administrative plan, through the Criminal Justice Information System or any other source, including but not limited to referrals from law enforcement agencies, the U.S. or State Attorney's Offices, USHUD, then the family may request removal of the offending family member permanently from the family composition and the family member may not reside in the Section 8 unit in order for the family to remain in the program. If the offending family member(s) is not removed, then the entire family shall be recommended for termination from the Program.

In circumstances where the offending family member is the head of household, the entire family shall be recommended for termination from the Program.

If the family member is removed but is subsequently found to reside in the unit without MDHA's approval, the family member is considered an unauthorized boarder and the entire family shall be recommended for termination from the Program pursuant to 24 CFR 982.551(h)(2).

**2. Non-Violent Charges Involving Firearms**

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Charges limited to the specific crime of illegal possession or unlawful display of firearm shall not constitute a violation of the One Strike Policy.

3. Prior Criminal History

In cases of multiple prior charges of one or more family members where the disposition of the cases was dropped, nolle prosequere, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, MDHA may take both the family and individual family member's history and /or outcome into consideration at arriving at a final determination of continued assistance.

4. Violation of Peaceful Enjoyment

Prior to MDHA's decision to recommend termination of assistance for criminal activity that threatens the health, safety or right of peaceful enjoyment of the premises by other residents, MDHA may consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the extent of participation by the head of household or household member(s) in the offending activity and the extent to which the head of household or household member(s) has shown personal responsibility to prevent or mitigate the offending action.

Upon determination by the hearing officer and/or MDHA Director, MDHA may require a tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for the action or failure to act that warrants termination. If MDHA determines that the family may continue to reside in the unit by excluding the household member (s) who participated in or was culpable for the action or failure to act warranting termination, MDHA may recommend for termination the family's tenancy if another household member(s) commits a criminal activity warranting termination within five (5) years of the first offending activity.

5. Substance Abuse Rehabilitation

Upon determination by the hearing officer and/or MDHA Director, MDHA, in its decision whether to recommend termination for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, may consider whether such household member was remanded by the court and is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, MDHA shall require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

6. Domestic Violence

Provided the tenant has no pre or post pattern of repeated engagement in criminal activity, in circumstances of domestic violence, where an individual can provide evidence that they have been a victim of domestic violence, through documented police incident reports and/or filed Injunction for Protection (IFP), these may be considered as mitigating factors on their behalf by the hearing office and/or MDHA Director. Such documents must be provided by the Section 8 participant at the hearing or upon request by the hearing officer subsequent to the hearing for consideration of continued assistance. In addition, if mandated

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by the court, the individual must show successful completion of any court-mandated diversion program and bring proof of same.

**27.2 Notice**

If MDHA recommends termination of a family's participation in the program, the family will be notified in writing stating the grounds for termination of assistance and the effective date of termination. The notice will also state whether the participant has a right to a hearing in accordance with the regulations, the procedure for requesting a hearing, and that the participant may be represented at the hearing at their own expense.

The owner will receive notice of the recommendation of termination of a family's participation. The same provision stipulated above shall apply to the Family Unification Program. However, MDHA shall notify the Department of Children and Families if a family is at-risk of termination in order to allow timely intervention.

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**Chapter 28. Policies Concerning Repayment of Amounts Owed to MDHA**

Except as otherwise required under Chapter 7.5, Enterprise Income Verification, Third Party Verification, and Factors Affecting Eligibility and Family Rent, MDHA has the discretion to enter into repayment agreements with program participants for amounts owed to MDHA, if it is in the best interest of MDHA, the debt has not been expunged by operation of law, and the participant has not intentionally committed any act that led to the amount owed. Currently, the debt will be considered expunged by operation of law if the time period has exceeded five years and MDHA has not attempted to collect the debt within the five-year period.

**28.1 Standards for Repayment**

If a repayment agreement is offered to a participant in lieu of full payment, it will be in writing and will be within the following guidelines:

1. Down payment of at least twenty percent (20%) to be paid at time of signing the repayment agreement by money order or cashier's check.
2. The balance is to be paid within twelve (12) consecutive monthly payments starting thirty (30) days from the date of down payment.

**28.2 Exceptions**

Any terms allowing more time for repayment or for a lower down payment must be approved by Section 8 Operations Tenant Selection Supervisor 3 or higher. A hearing officer shall also have the discretion to set the amounts and length of time for repayment, if a repayment agreement is a stipulation of participation determined at an informal hearing. Strict adherence to the terms of the repayment agreement by the participant is necessary otherwise benefits may be terminated in accordance with this plan.

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**Chapter 29. Informal Hearing and Review Procedures**

**29.1 Participant Hearings**

Informal hearings will be allowed regarding the application of MDHA policies in this Administrative Plan to a particular participant. Such hearings will not be a means to challenge a policy as a whole. Thus should a program participant consider an MDHA action, such as being terminated from the Section 8 program, detrimental to their interest, the participant may request an informal hearing to contest the action, not the policy which resulted in the action.

Hearings are afforded to Section 8 participants as provided in federal housing regulations and as included in this Administrative Plan. The process described in MDHA's Reasonable Accommodation Policy and Procedures document included under Attachment C will be followed for participants denied reasonable accommodation requests. Further, this document describes the process that must be followed if the hearing officer becomes aware that the reason for the termination of assistance or other adverse action occurred because of the participant's disability.

Hearings are not afforded to families appealing decisions on:

1. HQS violations; except when the family is terminated due to breach of HQS as caused by the family;
2. Determination of family unit size under MDHA's subsidy standards;
3. MDHA determination not to approve an extension or suspension of a voucher term;
4. MDHA determination not to approve a unit for lease under Section 8;
5. Discretionary administrative determinations by MDHA;
6. General policy issues or class grievances;
7. Establishment of MDHA's utility allowance schedule.
8. MDHA's determination to exercise or not to exercise any right or remedy against an owner under a HAP Contract.

**A. Requesting a hearing**

A hearing may be requested by written request to the Hearing Office at the address indicated on the adverse action notice. The hearing must be requested within thirty (30) calendar days of the notice date. Failure of the participant to respond within the required time waives the right to a hearing. MDHA, at its discretion, may schedule a hearing at the participant's request, beyond the 30 days, on a case-by-case basis.

MDHA will schedule the hearing within twenty-one (21) calendar days of the participant's request. The hearing will be scheduled at the first available hearing date. The participant and any other interested parties will be notified of the date and time for the hearing by mail from MDHA. At the discretion of MDHA, a second hearing for Section 8 participants may be scheduled as a result of the participant not attending the first scheduled hearing for good cause.

A program participant shall not be adversely affected by the scheduling of a hearing beyond the twenty-one (21) calendar days. Payment shall continue to the owner so long as the family remains in the unit and a hearing has been scheduled.



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**B. Hearing Procedures**

The hearing will be presided over by a hearing officer unassociated with the day-to-day operations of the Section 8 Program. The supervisor making the decision that is being appealed or his/her designee will be present at the hearing. The hearing officer's decision will be based solely on the testimony of witnesses, written documentation in the tenant's file, and any other evidence presented at the hearing.

The tenant must attend the hearing at the time scheduled as notified by the Hearing Office. The owner may attend. The tenant may be represented by legal counsel or another person chosen as a representative. Should the tenant be late to the scheduled hearing more than 15 minutes, MDHA shall have discretion to decide whether to hold or reschedule the hearing. The party that fails to appear for a hearing will relinquish all further hearings or appeals of the adverse action.

A hearing may be held via telephone conference call in situations where a health condition or portability to another housing agency's jurisdiction prevents either party (tenant or owner) from attending the hearing in person. Hearings held by telephone conferences are not allowed simply for the convenience of the tenant or owner. Any other reasons shall be at the discretion of the hearing office supervisor.

As part of the hearing process, hearing officers shall audiotape each hearing. Tapes of the hearings shall be marked with the date and time of the hearing, the hearing officer, and name of the client and client number and will be retained by the hearing office for a period of one year.

The decision of the hearing officer shall be forwarded in writing to the participant and other interested parties within thirty (30) calendar days of the hearing.

The decision of the hearing officer shall be final, except on the occasion when the MDHA Director or his/her designee may review, overturn or modify the decision of a hearing officer upon showing of good cause. The hearing officer's decision shall not abridge any other rights the participants have under law.

**29.2 Applicant reviews**

Applicants denied program participation or removed from the waiting list shall be entitled to a review conducted by MDHA. Applicants will be notified of such determination in writing, generally at the time of their initial certification appointment. Applicants who have not completed application forms as instructed in the Housing Application Instructions will not be processed and their name will not be placed on the waiting list. Applicants in this situation will not be offered an informal review.

The process described in MDHA's Reasonable Accommodation Policy and Procedures document included under Attachment C will be followed for applicants denied reasonable accommodation requests. Further this document describes the process that must be followed by the hearing officer if he/she becomes aware during the informal review that an applicant's ineligibility determination occurred because of the applicant's disability.

It is an applicant's responsibility to inform MDHA's Applicant and Leasing Center staff when there is a change in address.

**A. Processing Removals**

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An applicant or mobility pool member who is determined ineligible for program benefits, or who does not respond within thirty (30) days to a notice calling him/her in for processing shall be notified in writing that his/her name will be removed from the waiting list unless he/she requests an informal review by contacting MDHA within thirty (30) days of the notice. The applicant or mobility pool member whose mail is returned by the post office will be automatically withdrawn from the waiting list. Applicant or mobility pool members may, within one year of being removed from the waiting list, request an administrative hearing seeking reinstatement to his/her original place on the waiting list.

If MDHA proposes to deny admission on the basis of a criminal record, MDHA will provide the family member with the criminal record and the head of household with a copy of the criminal record upon request, either before or at the informal review and provide an opportunity to dispute the accuracy and relevance of that record. The applicant or mobility pool member will have thirty (30) calendar days to dispute the accuracy and relevance of the record in writing. If MDHA does not receive the dispute within the allotted time, the applicant or mobility pool member will be denied participation and his/her name removed from the waiting list.

**B. Requesting a review**

Applicants may request a review in writing to the address or fax number indicated on the adverse action letter. The request shall be made within thirty (30) days from the date of the notice. MDHA will schedule the review for the next available hearing date and forward written notification to the applicant.

**C. Review Procedures**

The review will be conducted by a hearing officer or other designated MDHA staff that shall listen to testimony or other evidence that the applicant may wish to present. The hearing officer's decision will be made in writing within thirty (30) calendar days of the review.

The decision of the hearing officer shall be final. In extenuating circumstances, the MDHA Director may modify the decision of a hearing officer. The hearing officer's decision, however, shall not abridge any other rights the applicants have under law.

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**Chapter 30. Fair Housing and Equal Opportunity and Grievance Procedures**

**30.1 Non-discrimination Policy**

It is MDHA's policy to comply fully with all federal, state, and county antidiscrimination laws including, but not limited to, the Fair Housing Act; Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act.

No person shall, on the basis of race, color, sex, religion, national or ethnic origin, familial or marital status, sexual orientation, ancestry, age pregnancy, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs operated and/or funded by MDHA.

To further its commitment to full compliance with applicable civil rights laws, MDHA will provide federal/state/local information to applicants for, and participants in, the Section 8 programs regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. MDHA will display the Fair Housing poster at the Applicant and Leasing Center and Mobility Pool Center. Upon eligibility determination, Section 8 housing voucher program applicants will be provided with a written Tenant Briefing Package, which includes copy of the Housing Discrimination Complaint form and information pertaining to procedures to be followed if the applicant believes he/she has been discriminated against during the housing search.

**30.2 Processing Discrimination Complaints and Reasonable Accommodation Requests**

All applicable Fair Housing Information and Discrimination Complaint forms will be made available at MDHA's ADA Coordinator's office and/or by the ADA Coordinator mailing copies of information to person requesting same. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

MDHA's ADA Coordinator will assist any family that believes they have suffered illegal discrimination by providing copies of the federal and local housing discrimination forms and the addresses of the applicable offices. Also, MDHA's ADA Coordinator will facilitate conciliation of discrimination complaints upon the request of complainants, to the greatest extent feasible.

MDHA shall provide Section 8 Moderate Rehabilitation program applicants information pertaining to housing discrimination complaint filing in the offer letter. If reasonable cause is established that the owner has discriminated against the family, MDHA shall offer that applicant the next available Moderate Rehabilitation unit for which they qualify. Furthermore, owners may be subject to sanctions permitted by federal, state and local laws.

MDHA will cooperate with USHUD in conducting monitoring and compliance reviews and complaint investigations, pursuant to all applicable civil rights statutes and regulations, Executive Orders, and all civil rights related program requirements.

MDHA's Reasonable Accommodation Policy and Procedures document is included under Attachment C.

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**Chapter 31. Special Rules for Moderate Rehabilitation**

The foregoing policies and procedures apply in general to the Section 8 Moderate Rehabilitation Program except as provided below:

**31.1 Transfer and Waiting List Referrals**

**A. Vacancy Notices**

Every unit vacancy, which occurs in the Moderate Rehabilitation Program administered by MDHA, must be reported to MDHA. Owners or managers must immediately forward the vacancy notice either by hand delivery, facsimile, or mail to the following address:

Miami-Dade Housing Agency  
Applicant and Leasing Center  
Attention: Moderate Rehabilitation Program Unit  
2925 NW 18 Avenue  
Miami, Florida 33142

Fax: (305) 638-6407

**B. MDHA Transfer Referrals**

MDHA approved transferees will be offered available units before applicants on the Project-based waiting list. Chapter 31.5 details MDHA's transfer policy for the Moderate Rehabilitation Program.

Until the expiration of the Decree in August 2009, in Moderate Rehabilitation developments in which the black population is less than thirty-five percent (35%) percent or more than sixty-five (65%) percent, only desegregative referrals (referrals exclusively of households whose race does not predominate) shall be made to the owner.

If there are families on the transfer list, MDHA's first mail-out of offer letters will consist of MDHA's transfer referrals for a period of ten (10) days. If none of MDHA's referrals are accepted by the owner because of a valid, non-discriminatory reason within the ten (10) day period and/or there is no response from the applicant, MDHA will conduct a second mail-out of desegregative referrals, if applicable, for a period of fifteen (15) days. For each unit, MDHA will offer up to twenty (20) program participants for whom the unit is suited.

**C. MDHA Waiting List Referrals**

If there are no families on the transfer list, MDHA will refer applicants to the owners from applicants on its project-based list. Owners of non-desegregated developments can make only desegregative offers for the first ten (10) to fifteen (15) days following the date on which the owner makes the first offer on a particular vacant unit. If a desegregative offer is not accepted at the end of the ten (10) or fifteen (15) day period, referrals will be made first to those applicants, if any, who actually applied for project-based assistance.

In order to deter discrimination by a Moderate Rehabilitation owner/manager (hereafter referred to as owner), MDHA shall utilize the following procedure for the screening and selection process. Offer letters (often referred to as "Mail-outs") will be made no later than five (5) working days from proper receipt of the vacancy notice indicating that the unit is in show condition. Applicants will have a minimum of ten (10) calendar days to respond to MDHA and the owner/manager of the offered unit concerning their interest. Owner/Managers must make themselves available to accept the referred applicants'

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applications and to show the unit. MDHA shall also forward to the owner a log of all applicants referred to the available unit.

The owner shall provide to MDHA his/her written policy on selection procedures to include the policy regarding the collection of application fees, if applicable.

Owners may only reject applicants for valid, nondiscriminatory reasons and must report the reason for any rejected applicants in writing to MDHA.

The owner must provide an application to all referred applicants that contact the owner and state an interest in the unit. MDHA shall assign a staff person to contact each applicant within three calendar days of the mail out. The assigned staff will work with the applicants and owner to assure that all applicants interested in the unit are being treated fairly under the law. The assigned staff shall also confirm that the owner's selection process was expeditious and unbiased. Assigned staff will maintain a log to document all communications with the applicants and owners.

After the owner selects a tenant for the unit, the owner shall submit to MDHA a selection package. This package will include a log of all MDHA referred applicants, a notation regarding the results of the owner's screening, and justification with supporting documentation for the applicant selected for tenancy. MDHA will review the owner package to confirm that the selection process was without bias.

**D. Assignment of Accessible Units**

Accessible units will be offered in the following order:

1. Current tenant in the development who requires the accessibility features of the vacant unit;
2. Current tenant(s) in other developments who require the accessibility features of the vacant, accessible unit;
3. Eligible applicant(s) on the project-based waiting list who requires the accessibility feature(s) of the vacant, accessible unit;
4. Eligible applicants on the Section 8 Moderate Rehabilitation waiting list who do not require the accessibility features of the vacant, accessible unit;
5. Eligible applicants referred by the owner who require the accessibility features of the vacant, accessible unit; then
6. Eligible applicants referred by the owner who do not require the accessibility features of the vacant, accessible unit.

Transfer requests related to reasonable accommodation for a person with disabilities will be processed in accordance with MDHA's Reasonable Accommodation Policy and Procedures document included under Attachment C. Transfer requests related to reasonable accommodation must be approved by MDHA's ADA Coordinator.

Further, transfers of tenants with disabilities and placement of applicants with disabilities in units with accessible features will be centrally coordinated through MDHA's Section Coordinator's office with the assistance of MDHA's Applicant and Leasing Center.

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The owner will be encouraged to incorporate language in the lease that requires the tenant to transfer to a non-accessible unit when one becomes available, in situations where an applicant is housed in an accessible unit but does not require the accessibility features.

**31.2 Condition of Units**

Owners must make units ready for occupancy by the time applicants are referred to the unit. MDHA reserves the right to not make referrals for units that are not ready for occupancy. If an owner habitually does not have units ready for occupancy by the time referrals are made, MDHA will require the unit to pass inspection prior to any future referrals.

Units with a history of repeated or habitual violations will be inspected every six months. If the condition of the building and units does not improve after the second inspection, MDHA will perform HQS inspections on a monthly basis thereafter until the situation is remedied. Such inspections shall be performed at the discretion of MDHA and shall not require prior notification to the owner as to when an inspection will occur.

**31.3 Valid Rejections of Offered Units**

An applicant will be made one offer of a housing unit under the Moderate Rehabilitation program but the offer is not considered a suitable offer under the following circumstances:

1. The applicant rejects the offer for "good cause", that is, the applicant can demonstrate through objective evidence that a move into the offered unit would result in a hardship related to the ability of the applicant or a member of the applicant's family to retain his or her employment, job training, or retain particular day care, or educational programs for children with disabilities or medical services uniquely suited to the affected individual's needs.
2. The offered unit is not suitable or accessible due to a disability of the applicant or a member of the applicant's family.
3. If the applicant accepts a unit but is either rejected by the property owner or the unit is not ready for occupancy.
4. The family demonstrates that accepting the offer will place a family member's life, health, or safety in jeopardy. The family must provide specific and compelling documentation, such as restraining orders, other court orders, or risk assessments from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.
5. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member.

When an offer is not counted against the applicant, the applicant's name will be replaced on the waiting list in order to receive another offer.

MDHA will maintain a record of units offered, including location, date and circumstances of each offer, and each acceptance or refusal, including the reason for the refusal.

**31.4 Changes to Family Composition**

Family members will be added to the family composition if they are born to the family during tenancy under the Moderate Rehabilitation program, if the family is awarded custody,

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guardianship, by any other operation of law, or as otherwise provided under Chapter 5.2 of this Plan.

MDHA will consider the request for approval and require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that the head of household has authorization to include a minor. Changes to the family composition may also be allowed for families in which one or more children less than eighteen (18) years of age live with the designee of the parent or legal custodian, with the parent's or legal custodian's consent. Documentation can include, but is not limited to, court documents, pre-need guardian, school records, other state and federal public assistance documentation, power of attorney, etc.

The owner of the family's unit must consent to the addition of any additional family members.

**31.5 Transfer Policy**

Transfers in the Moderate Rehabilitation Program will be granted if there are available units in the circumstances described below. In all instances, families on the transfer waiting list will be given one (1) offer. If the offer is refused, except for good cause, including reasonable accommodation for a family member with disabilities, the family's name will be removed from the transfer waiting list.

**A. Overcrowded or Under-Occupied Units**

If a family has a change in family composition that causes the number of occupants of the unit to be more than the occupancy standards allowed for the bedroom size, or less than the minimum occupancy for the bedroom size, then the family will be required to move. The family shall move into the appropriate size unit or be terminated from participation in the program. If there is an available appropriate vacancy in the same development, the family will be offered such vacancy in the same development. This offer may not be refused, except for good cause, including reasonable accommodation for a family member with disabilities.

The family shall receive one (1) offer to transfer to an appropriately sized unit in the same geographic area within five (5) square miles.

**B. Medical Necessity**

Transfers based on medical or disability need shall be documented and shall relate to either proximity to medical facilities that a family member must attend on a frequent basis (at least once per week) or other verifiable reason, as determined by MDHA's ADA Coordinator, or be related to a condition/s of the unit or complex that must be changed or avoided due to physical health concerns. If a transfer is necessary due to a condition in the unit, the owner of the project has the option to make an accommodation in lieu of the transfer.

Transfers based on medical necessity shall be given the next available suitable unit based on the date of the requested transfer.

**C. Special Circumstances**

Special circumstances that may be considered for transfer include, but are not limited to, the following:

1. Hate crimes or overt discrimination against a family member
2. Habitual violence or victimization against a family member

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3. Cooperation for a witness protection program
4. Domestic violence

Transfers for special circumstances shall be documented and shall be required for the immediate safety and welfare of the family. A special circumstance transfer shall be given the next available vacancy that is not in the same project.

**31.6 HQS**

HQS inspections shall be performed in conformance with the Section 8 Moderate Rehabilitation standards attached hereto and previously approved by USHUD and the Miami-Dade County Board of County Commissioners by Resolution #1275-92. Scheduling is subject to Part II of this chapter.

**31.6 Occupancy Standards**

The general occupancy policies described in Chapter 5 will apply to Moderate Rehabilitation applicants and tenants.

**31.7 Single Room Occupancy (SRO) and Shelter Plus Care Programs**

All Section 8 Moderate Rehabilitation Single Room Occupancy Administrative Plans for homeless individuals are developed and submitted to USHUD on a project basis for approval. All Single Room Occupancy Moderate Rehabilitation Administrative and Shelter Plus Care Plans have been approved.

SRO and Shelter Plus Care Moderate Rehabilitation developments are subject to Section 3 of the Housing and Urban Development Act of 1968, as amended, and Section 504 (CFR part 8) Uniform Federal Accessibility Standards pertaining to accessible units for persons with disabilities.